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LEGISLATIVE HISTORY

Public Law 85-624
H. R. 13138

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May 7, 1958 Rep. Curtis, Mo., introduced and discussed H. R. 12371 which was referred to the House Merchant Marine and Fisheries Committee. Print of bill as introduced and remarks of Rep. Curtis.

June 25, 1958 Rep. Boykin introduced H. R. 13138 which was referred to the House Merchant Marine and Fisheries Committee. (H. R. 13138 was not printed but is identical to H. R. 12371). Print of H. R. 12371.

June 27, 1958 House subcommittee ordered H. R. 13138 reported with amendment.

July 9, 1958 House committee ordered H. R. 13138 reported with amendment.

July 16, 1958 House committee reported H. R. 13138 with amendments. H. Report No. 2183. Print of bill and report.

July 21, 1958 House passed H. R. 13138 as reported.

July 22, 1958 H. R. 13138 was referred to the Senate Interstate and Foreign Commerce Committee. Print of bill as referred.

July 23, 1958 Senate committee ordered H. R. 13138 reported without amendment.

July 28, 1958 Senate committee reported H. R. 13138 without amendment. S. Report No. 1981. Print of bill ^{and} ~~only~~ report ~~not received.~~

July 31, 1958 Senate passed H. R. 13138 without amendment.

Aug. 12, 1958 Approved: Public Law 85-624.

DIGEST OF PUBLIC LAW 85-624

FISH AND WILDLIFE COORDINATION ACT. Amends the Watershed Protection and Flood Prevention Act so as to provide that when the Secretary of Agriculture approves the furnishing of assistance to a local organization in preparing a plan for works of improvement he shall notify the Secretary of Interior who may make investigations and prepare recommendations concerning the conservation and development of wildlife resources aspects of the project. Provides that full consideration shall be given to the recommendations of the Secretary of Interior regarding wildlife resources prior to agreement by the local organization and the Secretary of Agriculture on a plan for works of improvement. Provides that the report of the Secretary of Interior, if he so requests, shall accompany the plan for works of improvement when it is submitted to the Secretary of Agriculture for approval or transmitted to the Congress through the President. Amends the Act of March 10, 1934, so as to provide for cooperation between Federal agencies authorized to construct or operate water-control projects and the Fish and Wildlife Service, Department of Interior, in planning and constructing, as a part of Federal water-development projects, facilities necessary to protect fish and wildlife resources. Provides that any lands acquired for water-development projects by any Federal agency within the exterior boundaries of a national forest shall be added to and become national forest lands, except when acquired to carry out the National Migratory Bird Management Program. Continues the authority of the Secretary of Agriculture to cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him. Authorizes appropriations to carry out the purposes of the Act.

borne by the Federal agencies controlling such lands.

Approximately 4 million acres of tax-exempt land in Minnesota is under control of the Federal Government, such as Indian lands, conservation land, or forest areas, islands, and so forth.

Minnesota has a very effective weed law, enforced by the commissioner of agriculture through the director of the division of plant industry, with the services of 10 district weed and seed inspectors and county inspectors in all of the counties, and also the 3 supervisors in each of the 1,841 townships for a total of 5,523 township inspectors, and the mayors of the 805 villages and cities.

In carrying out the weed-control program of our State, these inspectors find it very difficult to ask our farmers to control their weeds when weeds on State and Federal lands could not be controlled due to a lack of funds allocated for this purpose. Some 6 years ago the Minnesota Legislature appropriated \$10,000 annually for the control of weeds on tax-exempt lands, and as a result all complaints as to weeds on State lands have been taken care of. However, much of the problem on Federal lands still remains.

In the past, in order to avoid a general breakdown of the program, it has been necessary to spend some of the State fund for weed control on Federal lands, such as the control of leafy spurge on the Forget-Me-Not Island near Lake Park in Becker County and Canadian thistle on the Indian reservation in Yellow Medicine County.

To date, no funds have been provided for the control of weeds on Federal lands by the Federal Government. It is only reasonable and just that this situation should be corrected, as it does not seem logical that the farmers of our State should be required to destroy their weeds and, on the other hand, the Federal Government not be required to keep the weeds on lands under their supervision under control.

While I have outlined this problem from the standpoint of Minnesota, the same situation applies in other States.

The regulatory, extension, industrial, and research people of the 14 Midwestern States and 4 provinces of Canada have an organization known as the North Central Weed Control Conference, which meets annually for the discussion of weed control. Minnesota is a member, and plays an important part in the functions of this organization. The North Central Weed Control Conference has passed resolutions requesting the Federal Government to provide funds for such a purpose, and the organization has asked Minnesota to take the lead in bringing this about.

The commissioners and secretaries of agriculture of the States have also made similar requests.

The amount involved is not large. We estimate that an appropriation of \$10,000 annually will be sufficient for taking care of the weeds on Federal lands in Minnesota.

All this bill would do would authorize such expenditures by Federal agencies supervising these lands, making them responsible for complying with State weed

laws on the same basis as owners of privately owned lands.

If the Federal department, agency or independent establishment involved has failed to comply with weed-control procedures under State law, this bill would authorize State commissioners of agriculture, or other proper agencies, of any State which has in effect such a program to enter upon Federal land, with permission of the head of the appropriate Federal agency, to destroy by appropriate methods noxious weeds growing on such lands. It further provides that States shall be reimbursed by the Federal agency involved for any expenses incurred in such weed removal, provided the Federal agency left it up to the State agencies to remove the weeds rather than do it themselves.

I urge active support for this measure, particularly from other Midwestern States confronted with a similar problem.

These noxious weeds cause a severe economic loss annually to agriculture unless they are controlled, and it is unfair to expect farmers to wipe out weeds on their own property, at their own expense, if seeds from similar weeds are blown all over the State from patches of noxious weeds on federally owned property.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred, and, without objection, the bill will be printed in the RECORD.

The bill (S. 2490) to provide for the control of noxious weeds on land under the control or jurisdiction of the Federal Government, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the Commissioner of Agriculture or other proper agency of any State in which there is in effect a program for the control of noxious weeds may enter upon any land in such State under the control or jurisdiction of a department, agency, or independent establishment of the executive branch of the Federal Government, with the permission of the head of such department, agency, or independent establishment, and destroy by appropriate methods noxious weeds growing on such land if—

(1) The same procedure required by the State program with respect to privately owned land has been followed; and

(2) The department, agency, or independent establishment involved has failed to comply with the requirements of such program.

SEC. 2. Any State incurring expenses pursuant to the first section of this act shall be reimbursed, upon presentation of an itemized account of such expenses, by the head of the department, agency, or independent establishment of the executive branch of the Federal Government having control or jurisdiction of the land with respect to which such expenses were incurred.

CONSERVATION OF WILDLIFE, FISH, AND GAME

Mr. WATKINS. Mr. President, I introduce for appropriate reference, a bill to amend the Coordination Act of March 10, 1934, as amended.

This bill, if enacted, will effect some changes, sought by conservation groups

throughout the country, in the 1934 act to promote more effective planning, development, maintenance and coordination of wildlife conservation and rehabilitation.

My interest in introducing the measure at this time is that it was warmly supported by a recent resolution of the Western Association of State Game and Fish Commissioners, one of the most active and effective conservation groups in the western part of the country. This group accurately pointed out that this proposal has been subjected to considerable analysis throughout the country and merits Congressional review this session. I am hopeful that early hearings will be scheduled on this measure so that all persons interested in fish and wildlife preservation and water resource development will have an adequate opportunity to contribute to sound long-range legislation.

The bill extends provisions of the Coordination Act to proposed water resource projects, as well as to authorized projects. It also gives the United States Fish and Wildlife Service an opportunity to review proposed drainage and channel modification projects, which were not specifically covered in the 1934 and 1946 legislation.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2496) to amend the act entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes," approved March 10, 1934, as amended, known as the Coordination Act introduced by Mr. WATKINS, was received, read twice by its title, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That sections 1 to 3, inclusive, of the act entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes," approved March 10, 1934, as amended (16 U. S. C. 661, 662, and 663), are amended to read as follows:

"That, in order to promote effectual planning, development, maintenance, and coordination of wildlife conservation and rehabilitation in the United States, its Territories and possessions, the Secretary of the Interior, through the United States Fish and Wildlife Service, is authorized (a) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting areas, and in carrying out other measures necessary to effectuate the purpose of this act; (b) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (c) to accept donations of land and contributions of funds in furtherance of the purposes of this act.

"SEC. 2. Whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of

water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or with Federal financial or technical assistance, such department or agency first shall consult with the United States Fish and Wildlife Service and the head of the agency exercising administration over the wildlife resources of the State wherein the impoundment, diversion, or other control facility is to be constructed with a view to preventing loss of any damage to wildlife resources, and with a view to providing for the development and improvement of wildlife resources in connection with such water resource development.

"In furtherance of the aforesaid purposes, the reports of the United States Fish and Wildlife Service relating to such water resource developments, together with any recommendations thereon by the Secretary of the Interior and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by such Federal and State agencies for the purpose of determining the possible damage to wildlife resources and for the purpose of determining the most desirable means and measures that should be adopted in the public interest to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared in or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action, or otherwise, (a) to authorize the construction of water resources development projects or (b) to approve a report on the modification or supplementation of plans for previously authorized projects, to which this act applies.

"The cost of planning for and the construction or installation and maintenance of such means and measures adopted to carry out the aforesaid purposes of this section, to prevent the loss of and damage to wildlife resources, and to provide for the development and improvement thereof, shall constitute an integral part of the costs of such projects: *Provided*, That, in the case of projects hereafter authorized to be constructed, operated, and maintained in accordance with the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto), the Secretary of the Interior shall, in addition to allocations to be made under section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187), make findings on the part of the estimated cost of the project which can properly be allocated to the prevention of damage to, and to the development and improvement of wildlife, and costs allocated pursuant to such findings shall not be reimbursable. In the case of construction or the provision of financial or technical assistance by a Federal agency for such construction, that agency shall transfer to the United States Fish and Wildlife Service, out of appropriations or other funds made available for investigations, engineering, or construction, such funds as may be necessary to conduct the investigations required to carry out the purposes of this section.

"SEC. 3. Whenever the waters of any stream or other body of water are impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or when such purposes are to be accom-

plished with Federal financial or technical assistance or under Federal permit, adequate provision consistent with the primary purposes of such impoundment, diversion, or other control shall be made for the use thereof, together with any areas of land, or interest therein, acquired or administered by a Federal agency in connection therewith, for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as well as for the development and improvement of such wildlife resources pursuant to the provisions of section 2 of this act, as amended. When consistent with reports prepared in accordance with the provisions of section 2 of this act by the United States Fish and Wildlife Service and when approved by the Secretary of the Interior, the acquisition of land and interests therein by Federal construction agencies is authorized for the purposes of this act. In accordance with general plans, covering the use of such waters and other interests for these purposes, approved jointly by the head of the department or agency exercising primary administration thereof, the Secretary of the Interior, and the head of the agency exercising administration over the wildlife resources of the State wherein the waters and areas lie, such waters and other interests shall be made available without cost for administration (a) by such State agency, if the management thereof for the conservation of wildlife relates to other than migratory birds; (b) by the Secretary of the Interior, if the waters and other interests have particular value in carrying out the national migratory bird management program."

SEC. 2. The provisions of such act of March 10, 1934, as amended, shall be applicable hereafter with respect to any project for the control or use of water as prescribed in section 2 of such act, as amended by this act, or any unit of such project, hereafter authorized for planning or construction and to any project or unit thereof authorized heretofore if the construction of the particular project or unit thereof has not been completed.

LOANS TO CRAZY HORSE MEMORIAL FOUNDATION

Mr. MUNDT. Mr. President, I introduce, for appropriate reference, a joint resolution to provide a loan of \$250,000 to the Crazy Horse Memorial Commission to finance the completion of the monument being carved by the renowned sculptor, Korczak Ziolkowski, to the memory of the great Sioux chief, Crazy Horse.

I should like first to underscore the fact that the amount provided in the resolution is a loan, to be repaid to the Federal Government with 4-percent interest from the gate receipts and contributions received by the Crazy Horse Memorial Foundation.

It will be noted that the proposed 4-percent interest rate is a higher rate of interest than the Government must pay in procuring the money. We wish particularly to point out that fact. This is a business proposition. It is neither a gift nor charity.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. MUNDT. I am happy to yield to my colleague.

Mr. CASE of South Dakota. I merely wish to say that it has been my privilege to know of this proposal since its inception. The original idea was proposed by Chief Henry Standing Bear. It

was felt to be unfortunate that the American people thought of the End of the Trail statue as expressive of the American Indian. He wanted a representation which stood for hope, rather than despair. Therefore, he conceived the idea of a memorial to Crazy Horse, which should be an inspiration to all Americans.

The sculptor, Mr. Ziolkowski, has given splendid cooperation on this very worthy project, and it should be completed within the lifetime of the sculptor. The proposal now being presented to the Senate is one way of getting it done.

Mr. MUNDT. The sculptor, Mr. Ziolkowski, has been working with his own resources since 1948 to create this work for the ages. It is feared, however, that at his present rate, relying as he has been on his own finances and modest private contributions, Mr. Ziolkowski will be unable to complete the work during his normal life span. In a story in the current issue of Time magazine, which I shall have printed in the RECORD following my remarks, Mr. Ziolkowski is quoted as saying he will not accept a Government loan, even if it is made available to him.

However, at the urging of many of Mr. Ziolkowski's friends, Indian and white, and citizens serving on the Crazy Horse Memorial Foundation, I am introducing a joint resolution providing a loan so that the project may be completed during the lifetime of the artist who first envisaged this great monument to the original American.

To indicate local support and interest in this undertaking I am asking unanimous consent that a petition bearing the names of 152 individuals of Custer, S. Dak., be printed in the RECORD following my remarks on this subject. Custer is the community which is located closest to the site of the monument.

It should be noted that the joint resolution does not contemplate the loaning of funds directly to the artist, but to the Crazy Horse Memorial Foundation, and that neither Mr. Ziolkowski nor any member of his family will be serving as a member of the foundation. Disbursement of funds will be made only by presentation of properly certified vouchers. Another fact worth noting is that none of the moneys proposed are to be used as compensation for the sculptor, Mr. Ziolkowski, who insists on contributing his own talents.

Among Indians, Crazy Horse is an immortal hero. He was a fighting chief, who honestly sought peace but rose magnificently in battle only in the defense of his people; to protect them, their lands, and their culture.

American cavalymen rated him the Indians' greatest tactician. Interestingly enough, when I visited the President one day, our present Chief Executive said to me that as a young cadet at West Point he studied the military tactics of Crazy Horse as one of the items in the rule book indicating good cavalry tactics.

The nephew of Crazy Horse, Chief Henry Standing Bear, in writing to Korczak Ziolkowski, pleaded with him to "Caress a mountain so the white man will know that a red man had heroes, too."

IN THE SENATE OF THE UNITED STATES

JULY 8, 1957

Mr. WATKINS introduced the following bill ; which was read twice and referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Act entitled "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934, as amended, known as the Coordination Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That sections 1 to 3, inclusive, of the Act entitled "An Act
4 to promote the conservation of wildlife, fish, and game, and
5 for other purposes", approved March 10, 1934, as amended
6 (16 U. S. C. 661, 662, and 663), are amended to read
7 as follows:

8 "That in order to promote effectual planning, develop-
9 ment, maintenance, and coordination of wildlife conservation

1 and rehabilitation in the United States, its Territories and
2 possessions, the Secretary of the Interior, through the
3 United States Fish and Wildlife Service, is authorized (a)
4 to provide assistance to, and cooperate with, Federal, State,
5 and public or private agencies and organizations in the
6 development, protection, rearing, and stocking of all species
7 of wildlife, resources thereof, and their habitat, in con-
8 trolling losses of the same from disease or other causes,
9 in minimizing damages from overabundant species, in pro-
10 viding public shooting areas, and in carrying out other
11 measures necessary to effectuate the purposes of this Act;
12 (b) to make surveys and investigations of the wildlife of
13 the public domain, including lands and waters or interests
14 therein acquired or controlled by any agency of the United
15 States; and (c) to accept donations of land and contributions
16 of funds in furtherance of the purposes of this Act.

17 “SEC. 2. Whenever the waters of any stream or other
18 body of water are proposed or authorized to be impounded,
19 diverted, the channel deepened, or the stream or other
20 body of water otherwise controlled or modified for any
21 purpose whatever, including navigation and drainage, by
22 any department or agency of the United States, or by any
23 public or private agency under Federal permit or with
24 Federal financial or technical assistance, such department
25 or agency first shall consult with the United States Fish and

1 Wildlife Service and the head of the agency exercising
2 administration over the wildlife resources of the State where-
3 in the impoundment, diversion, or other control facility is
4 to be constructed with a view to preventing loss of and
5 damage to wildlife resources, and with a view to providing
6 for the development and improvement of wildlife resources
7 in connection with such water resource development.

8 “In furtherance of the aforesaid purposes, the reports
9 of the United States Fish and Wildlife Service relating to
10 such water resource developments, together with any recom-
11 mendations thereon by the Secretary of the Interior and any
12 report of the head of the State agency exercising adminis-
13 tration over the wildlife resources of the State, based on
14 surveys and investigations conducted by such Federal and
15 State agencies for the purpose of determining the possible
16 damage to wildlife resources and for the purpose of deter-
17 mining the most desirable means and measures that should
18 be adopted in the public interest to prevent the loss of or
19 damage to such wildlife resources, as well as to provide
20 concurrently for the development and improvement of such
21 resources, shall be made an integral part of any report
22 prepared in or submitted by any agency of the Federal
23 Government responsible for engineering surveys and con-
24 struction of such projects when such reports are presented
25 to the Congress or to any agency or person having the

1 authority or the power, by administrative action, or other-
2 wise, (a) to authorize the construction of water resource
3 development projects or (b) to approve a report on the
4 modification or supplementation of plans for previously
5 authorized projects, to which this Act applies.

6 “The cost of planning for and the construction or in-
7 stallation and maintenance of such means and measures
8 adopted to carry out the aforesaid purposes of this section,
9 to prevent the loss of and damage to wildlife resources, and
10 to provide for the development and improvement thereof,
11 shall constitute an integral part of the costs of such projects:
12 *Provided*, That, in the case of projects hereafter authorized
13 to be constructed, operated, and maintained in accordance
14 with the Federal reclamation laws (Act of June 17, 1902,
15 32 Stat. 388, and Acts amendatory thereof or supplementary
16 thereto), the Secretary of the Interior shall, in addition to
17 allocations to be made under section 9 of the Reclamation
18 Project Act of 1939 (53 Stat. 1187), make findings on
19 the part of the estimated cost of the project which can
20 properly be allocated to the prevention of damage to, and
21 to the development and improvement of wildlife, and costs
22 allocated pursuant to such findings shall not be reimbursable.
23 In the case of construction or the provision of financial or
24 technical assistance by a Federal agency for such construc-
25 tion, that agency shall transfer to the United States Fish

1 and Wildlife Service, out of appropriations or other funds
2 made available for investigations, engineering, or construc-
3 tion, such funds as may be necessary to conduct the investi-
4 gations required to carry out the purposes of this section.

5 “SEC. 3. Whenever the waters of any stream or other
6 body of water are impounded, diverted, the channel deep-
7 ened, or the stream or other body of water otherwise con-
8 trolled or modified for any purpose whatever, including
9 navigation and drainage, by any department or agency of
10 the United States, or when such purposes are to be accom-
11 plished with Federal financial or technical assistance or
12 under Federal permit, adequate provision consistent with
13 the primary purposes of such impoundment, diversion, or
14 other control shall be made for the use thereof, together with
15 any areas of land, or interest therein, acquired or admin-
16 istered by a Federal agency in connection therewith, for the
17 conservation, maintenance, and management of wildlife, re-
18 sources thereof, and its habitat thereon, as well as for the
19 development and improvement of such wildlife resources
20 pursuant to the provisions of section 2 of this Act, as
21 amended. When consistent with reports prepared in accord-
22 ance with the provisions of section 2 of this Act by the
23 United States Fish and Wildlife Service and when approved
24 by the Secretary of the Interior, the acquisition of land and
25 interests therein by Federal construction agencies is author-

1 ized for the purposes of this Act. In accordance with gen-
2 eral plans, covering the use of such waters and other in-
3 terests for these purposes, approved jointly by the head of
4 the department or agency exercising primary administra-
5 tion thereof, the Secretary of the Interior, and the head of
6 the agency exercising administration over the wildlife re-
7 sources of the State wherein the waters and areas lie, such
8 waters and other interests shall be made available without
9 cost for administration (a) by such State agency, if the
10 management thereof for the conservation of wildlife relates
11 to other than migratory birds; (b) by the Secretary of the
12 Interior, if the waters and other interests have particular
13 value in carrying out the national migratory bird manage-
14 ment program.”

15 SEC. 2. The provisions of such Act of March 10, 1934,
16 as amended, shall be applicable hereafter with respect to any
17 project for the control or use of water as prescribed in section
18 2 of such Act, as amended by this Act, or any unit of such
19 project, hereafter authorized for planning or construction
20 and to any project or unit thereof authorized heretofore if the
21 construction of the particular project or unit thereof has not
22 been completed.

A BILL

To amend the Act entitled "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934, as amended, known as the Coordination Act.

By Mr. WATKINS

JULY 8, 1957

Read twice and referred to the Committee on
Interstate and Foreign Commerce

85TH CONGRESS
2D SESSION

H. R. 12371

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1958

Mr. CURTIS of Missouri introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To amend the Act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Wildlife Coordination
4 Act".

5 SEC. 2. The first four sections of the Act entitled "An
6 Act to promote the conservation of wildlife, fish, and game,
7 and for other purposes", approved March 10, 1934 (16
8 U. S. C., secs. 661-664, inclusive) are amended to read as
9 follows:

1 “For the purpose of recognizing the vital contribution
2 of our wildlife resources to the Nation, the increasing public
3 interest and significance thereof due to expansion of our na-
4 tional economy and other factors, and to provide that wildlife
5 conservation shall receive equal consideration and be coor-
6 dinated with other features of water-resource development
7 programs through the effectual and harmonious planning,
8 development, maintenance, and coordination of wildlife con-
9 servation and rehabilitation for the purposes of this Act in
10 the United States, its Territories and possessions, the Secre-
11 tary of the Interior is authorized (1) to provide assistance
12 to, and cooperate with, Federal, State, and public or private
13 agencies and organizations in the development, protection,
14 rearing, and stocking of all species of wildlife, resources
15 thereof, and their habitat, in controlling losses of the same
16 from disease or other causes, in minimizing damages from
17 overabundant species, in providing public shooting and fish-
18 ing areas, including easements across public lands for access
19 thereto, and in carrying out other measures necessary to ef-
20 fectuate the purposes of this Act; (2) to make surveys and
21 investigations of the wildlife of the public domain, including
22 lands and waters or interests therein acquired or controlled
23 by any agency of the United States; and (3) to accept dona-
24 tions of land and contributions of funds in furtherance of the
25 purposes of this Act.

1 “SEC. 2. (a) Except as hereafter stated in subsection
2 (h) of this section, whenever the waters of any stream or
3 other body of water are proposed or authorized to be im-
4 pounded, diverted, the channel deepened, or the stream or
5 other body of water otherwise controlled or modified for any
6 purpose whatever, including navigation and drainage, by
7 any department or agency of the United States, or by any
8 public or private agency under Federal permit or license,
9 such department or agency first shall consult with the United
10 States Fish and Wildlife Service, Department of the In-
11 terior, and with the head of the agency exercising adminis-
12 tration over the wildlife resources of the particular State
13 wherein the impoundment, diversion, or other control
14 facility is to be constructed, with a view to the conservation
15 of wildlife resources by preventing loss of and damage to
16 such resources as well as providing for the development
17 and improvement thereof in connection with such water-
18 resource development.

19 “(b) In furtherance of such purposes, the reports and
20 recommendations of the Secretary of the Interior on the wild-
21 life aspects of such projects, and any report of the head of the
22 State agency exercising administration over the wildlife re-
23 sources of the State, based on surveys and investigations con-
24 ducted by the United States Fish and Wildlife Service and
25 such State agency for the purpose of determining the possi-

1 ble damage to wildlife resources and for the purpose of deter-
2 mining means and measures that should be adopted to prevent
3 the loss of or damage to such wildlife resources, as well as to
4 provide concurrently for the development and improvement
5 of such resources, shall be made an integral part of any report
6 prepared or submitted by any agency of the Federal Gov-
7 ernment responsible for engineering surveys and construction
8 of such projects when such reports are presented to the Con-
9 gress or to any agency or person having the authority or the
10 power, by administrative action, or otherwise, (1) to au-
11 thorize the construction of water-resource development proj-
12 ects or (2) to approve a report on the modification or sup-
13 plementation of plans for previously authorized projects, to
14 which this Act applies. Recommendations of the Secretary
15 of the Interior shall be as specific as is practicable with re-
16 spect to features recommended for wildlife conservation and
17 development, lands to be utilized or acquired for such pur-
18 poses, the results expected, and shall describe the damage to
19 wildlife attributable to the project and the measures proposed
20 for mitigating or compensating for these damages. The re-
21 porting officers in project reports of the Federal agencies
22 shall give full consideration to the report and recommenda-
23 tions of the Secretary of the Interior and to any report of the
24 State agency, on the wildlife aspects of such projects and the
25 project plan shall include such justifiable means and meas-

1 ures for wildlife purposes as the reporting agency finds should
2 be adopted to obtain maximum overall project benefits.

3 “(c) Federal agencies authorized to construct or operate
4 water-control projects are hereby authorized to modify or
5 add to the structures and operations of such projects, the
6 construction of which has not been substantially completed
7 on the date of enactment of the Wildlife Coordination Act,
8 and to acquire lands in accordance with section 3 of this
9 Act, in order to accommodate the means and measures for
10 such conservation of wildlife resources as an integral part of
11 such projects: *Provided*, That for projects authorized by
12 a specific Act of Congress before the date of enactment
13 of the Wildlife Coordination Act (1) such modification or
14 land acquisition shall be compatible with the purposes for
15 which the project was authorized; (2) the cost of such
16 modifications or land acquisition, as means and measures to
17 prevent loss of and damage to wildlife resources to the extent
18 justifiable, shall be an integral part of the cost of such
19 projects; and (3) the cost of such modifications or land
20 acquisition for the development or improvement of wildlife
21 resources may be included to the extent justifiable, and an
22 appropriate share of the cost of any project may be allocated
23 for this purpose with a finding as to the part of such allocated
24 cost, if any, to be reimbursed by non-Federal interests.

25 “(d) The cost of planning for and the construction or

1 installation and maintenance of such means and measures
2 adopted to carry out the conservation purposes of this sec-
3 tion shall constitute an integral part of the cost of such
4 projects: *Provided*, That such cost attributable to the de-
5 velopment and improvement of wildlife shall not extend
6 beyond those necessary for (1) land acquisition, (2) modi-
7 fication of the project, and (3) modification of project
8 operations; but shall not include the operation of wildlife
9 facilities nor the construction of such facilities beyond those
10 herein described: *And provided further*, That, in the case
11 of projects authorized to be constructed, operated, and main-
12 tained in accordance with the Federal reclamation laws
13 (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory
14 thereof or supplementary thereto), the Secretary of the
15 Interior, in addition to allocations made under section 9 of
16 the Reclamation Project Act of 1939 (53 Stat. 1187),
17 shall make findings on the part of the estimated cost of the
18 project which can properly be allocated to means and
19 measures to prevent loss of and damage to wildlife resources,
20 which costs shall not be reimbursable, and an appropriate
21 share of the project costs may be allocated to development
22 and improvement of wildlife resources, with a finding as to
23 the part of such allocated costs, if any, to be reimbursed by
24 non-Federal fish and wildlife agencies or interests.

25 “(e) In the case of construction by a Federal agency,

1 that agency is authorized to transfer to the United States
2 Fish and Wildlife Service, out of appropriations or other
3 funds made available for investigations, engineering, or con-
4 struction, such funds as may be necessary to conduct all or
5 part of the investigations required to carry out the purposes
6 of this section.

7 “(f) In addition to other requirements, there shall be
8 included in any report submitted to Congress supporting a
9 recommendation for authorization of any new project for the
10 control or use of water as described herein (including any
11 new division of such project or new supplemental works
12 of such project) an estimation of the wildlife benefits or
13 losses to be derived therefrom including benefits to be derived
14 from measures recommended specifically for the development
15 and improvement of wildlife resources, the cost of providing
16 wildlife benefits (including the cost of additional facilities
17 to be installed or lands to be acquired specifically for that
18 particular phase of wildlife conservation relating to the de-
19 velopment and improvement of wildlife), the part of the
20 cost of joint-use facilities allocated to wildlife, and the part
21 of such costs, if any, to be reimbursed by non-Federal
22 interests.

23 “(g) The provisions of this section shall be applicable
24 with respect to any project for the control or use of water
25 as prescribed herein, or any unit of such project authorized

1 before or after the date of enactment of the Wildlife Coordi-
2 nation Act for planning or construction, but shall not be
3 applicable to any project or unit thereof authorized before
4 the date of enactment of the Wildlife Coordination Act if
5 the construction of the particular project or unit thereof has
6 been substantially completed. A project or unit thereof shall
7 be considered to be substantially completed when sixty per-
8 cent or more of the estimated construction cost has been
9 obligated for expenditure.

10 " (h) The provisions of this Act shall not be applicable
11 to those projects for the impoundment of water where the
12 maximum surface area of such impoundments is less than
13 ten acres, nor to activities for or in connection with pro-
14 grams primarily for land management and use carried out
15 by Federal agencies with respect to Federal lands under their
16 jurisdiction.

17 "SEC. 3. (a) Subject to the exceptions prescribed in
18 section 2 (h) of this Act, whenever the waters of any
19 stream or other body of water are impounded, diverted,
20 the channel deepened, or the stream or other body of water
21 otherwise controlled or modified for any purpose whatever,
22 including navigation and drainage, by any department or
23 agency of the United States, adequate provision, consistent
24 with the primary purposes of such impoundment, diversion,
25 or other control, shall be made for the use thereof, together

1 with any areas of land, water, or interests therein, acquired
2 or administered by a Federal agency in connection there-
3 with, for the conservation, maintenance, and management
4 of wildlife resources thereof, and its habitat thereon, includ-
5 ing the development and improvement of such wildlife
6 resources pursuant to the provisions of section 2 of this
7 Act.

8 “(b) The use of such waters, land, or interests therein
9 for wildlife conservation purposes shall be in accordance with
10 general plans approved jointly (1) by the head of the par-
11 ticular department or agency exercising primary administra-
12 tion in each instance, (2) by the Secretary of the Interior,
13 and (3) by the head of the agency exercising the administra-
14 tion of the wildlife resources of the particular State wherein
15 the waters and areas lie. Such waters and other interests
16 shall be made available, without cost for administration, by
17 such State agency, if the management of the properties relate
18 to the conservation of wildlife other than migratory birds,
19 or by the Secretary of the Interior, for administration in such
20 manner as he may deem advisable, where the particular
21 properties have value in carrying out the national migratory
22 bird management program: *Provided*, That nothing in this
23 section shall be construed as affecting the authority of the
24 Secretary of Agriculture to cooperate with the States or in
25 making lands available to the States with respect to the

1 management of wildlife and wildlife habitat on lands ad-
2 ministered by him.

3 “(c) When consistent with the purposes of this Act and
4 the reports and findings of the Secretary of the Interior pre-
5 pared in accordance with section 2, land, waters, and in-
6 terests therein may be acquired by Federal construction
7 agencies for the wildlife conservation and development pur-
8 poses of this Act in connection with a project as reasonably
9 needed to preserve and assure for the public benefit the wild-
10 life potentials of the particular project area: *Provided*, That
11 before properties are acquired for this purpose, the probable
12 extent of such acquisition shall be set forth, along with other
13 data necessary for project authorization, in a report sub-
14 mitted to the Congress, or in the case of a project previously
15 authorized, no such properties shall be acquired unless spe-
16 cifically authorized by Congress, if specific authority for such
17 acquisition is recommended by the construction agency.

18 “(d) Properties acquired for the purposes of this sec-
19 tion shall continue to be used for such purposes, and shall
20 not become the subject of exchange or other transactions if
21 such exchange or other transaction would defeat the initial
22 purpose of their acquisition;

23 “(e) Federal lands acquired or withdrawn for Federal
24 water-resource purposes and made available to the States or
25 to the Secretary of the Interior for wildlife management

1 purposes, shall be made available for such purposes in
2 accordance with this Act, notwithstanding other provisions
3 of law.

4 “(f) Any lands acquired pursuant to this section by any
5 Federal agency within the exterior boundaries of a national
6 forest shall, upon acquisition, be added to and become
7 national forest lands, and shall be administered as a part
8 of the forest within which they are situated, subject to all
9 laws applicable to lands acquired under the provisions of
10 the Act of March 1, 1911 (36 Stat. 961), unless such lands
11 are acquired to carry out the National Migratory Bird Man-
12 agement Program.

13 “SEC. 4. Such areas as are made available to the Secre-
14 tary of the Interior for the purposes of this Act, pursuant to
15 sections 1 and 3 or pursuant to any other authorization, shall
16 be administered by him directly or in accordance with co-
17 operative agreements entered into pursuant to the provisions
18 of the first section of this Act and in accordance with such
19 rules and regulations for the conservation, maintenance, and
20 management of wildlife, resources thereof, and its habitat
21 thereon, as may be adopted by the Secretary in accordance
22 with general plans approved jointly by the Secretary of
23 the Interior and the head of the department of agency exer-
24 cising primary administration of such areas: *Provided*, That
25 such rules and regulations shall not be inconsistent with the

1 laws for the protection of fish and game of the States in
 2 which such area is situated (16 U. S. C., sec. 664): *Provided*
 3 *further*, That lands having value to the National Migratory
 4 Bird Management Program may, pursuant to general plans,
 5 be made available without cost directly to the State agency
 6 having control over wildlife resources, if it is jointly deter-
 7 mined by the Secretary of the Interior and such State agency
 8 that this would be in the public interest: *And provided fur-*
 9 *ther*, That the Secretary of the Interior shall have the right
 10 to assume the management and administration of such lands
 11 in behalf of the National Migratory Bird Management Pro-
 12 gram if the Secretary finds that the State agency has with-
 13 drawn from or otherwise relinquished such management and
 14 administration."

15 SEC. 2. The Watershed Protection and Flood Preven-
 16 tion Act, as amended (16 U. S. C., sec. 1001-1007, in-
 17 clusive), is amended by adding at the end thereof the
 18 following new section:

19 "SEC. 12. When the Secretary approves the furnish-
 20 ing of assistance to a local organization in preparing a plan
 21 for works of improvement as provided for in section 3:

22 "(1) The Secretary shall so notify the Secretary of the
 23 Interior in order that the latter, as he desires, may make
 24 surveys and investigations and prepare a report with recom-
 25 mendations concerning the conservation and development of

1 wildlife resources and participate, under arrangements satis-
2 factory to the Secretary of Agriculture, in the preparation
3 of a plan for works of improvement that is acceptable to the
4 local organization and the Secretary of Agriculture.

5 “(2) Full consideration shall be given to the recom-
6 mendations contained in any such report of the Secretary
7 of the Interior as he may submit to the Secretary of Agri-
8 culture prior to the time the local organization and the
9 Secretary of Agriculture have agreed on a plan for works
10 of improvement. The plan shall include such of the tech-
11 nically and economically feasible works of improvement for
12 wildlife purposes recommended in the report by the Secre-
13 tary of the Interior as are acceptable to, and agreed to by,
14 the local organization and the Secretary of Agriculture, and
15 such report of the Secretary of the Interior shall, if re-
16 quested by the Secretary of the Interior, accompany the plan
17 for works of improvement when it is submitted to the Secre-
18 tary of Agriculture for approval or transmitted to the Con-
19 gress through the President.

20 “(3) The cost of making surveys and investigations
21 and of preparing reports concerning the conservation and
22 development of wildlife resources shall be borne by the
23 Secretary of the Interior out of funds appropriated to his
24 Department.”

85TH CONGRESS
2D Session

H. R. 12371

A BILL

To amend the Act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

By Mr. CURTIS of Missouri

MAY 7, 1958

Referred to the Committee on Merchant Marine and Fisheries

House of Representatives

WEDNESDAY, MAY 7, 1958

The House met at 12 o'clock noon.
The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

II Thessalonians 3:13: "*But ye, brethren, be not weary in well doing.*"

Eternal God, our Father, help us during this day to appreciate and understand more fully the wonder of Thy grace and goodness.

Thy love and mercy are like the sunshine and the rain, falling on the just and the unjust in impartial benediction.

May we be partners with one another in our quest of the more abundant life and in bringing its blessings to all mankind.

Give us calm and courageous hearts as we strive to build Thy kingdom of truth and righteousness on earth.

Hear us for the sake of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McGown, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 3050. An act to increase the equipment maintenance allowance for rural carriers, and for other purposes.

PRICE SUPPORT FOR THE 1958 AND SUBSEQUENT CROPS OF EXTRA-LONG-STAPLE COTTON

The SPEAKER. The Chair recognizes the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 14399, relating to price support for the 1958 and subsequent crops of extra-long-staple cotton.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 101 (f) of the Agricultural Act of 1949, as amended, is amended by striking from the first sentence the words "shall be the same percent of the parity price as for the 1956 crop" and substituting in lieu thereof the following: "shall not exceed the same percent of the parity price as for the 1956 crop and shall be determined after consideration of the factors specified in section 401 (b) and the price levels for similar qualities of cotton produced outside the United States:

Provided, That such level of price support shall be not less than 60 percent of the parity price."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUPPORT PRICE FOR LONG-STAPLE COTTON

(Mr. RHODES of Arizona asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RHODES of Arizona. Mr. Speaker, I wish to express my appreciation to the gentleman from Arkansas [Mr. GATHINGS], the gentleman from Oklahoma [Mr. BELCHER], and the members of the Cotton Subcommittee of the great Committee on Agriculture for taking action to help the long-staple cotton producers meet competition from foreign growers and from synthetic fibers.

Last year a bill passed the House and Senate freezing the support of long-staple cotton at the level for the 1956 crop, which was 75 percent of parity. However, the application of the parity formula has caused the support price on long-staple cotton to advance, and the resultant increase in price has been detrimental to the long-staple growers. This bill allows the Secretary of Agriculture to set the price support at between 60 and 75 percent of parity for long-staple cotton.

Long-staple cotton is the most versatile natural fiber. It has great strength, but it also has the quality required for the manufacture of fine fabrics. Much long-staple cotton is grown in Egypt and some is grown in Central America. Some long staple has been grown in the United States, particularly in the irrigated areas of New Mexico, Arizona, and California for many years. Recently, the growers have organized themselves into the Supima Association aimed at promoting the use of domestic long-staple cotton. The efforts of the association have been so successful that last year it was necessary to release some long-staple cotton from the strategic stockpile in order to meet the demands of customers.

The future of this segment of American agriculture is bright, if the price of the product can be held down to a point that is competitive with producers in other countries, and with synthetic fibers. I think it is worthy of note that the growers of long-staple cotton has "lifted himself by his own bootstraps" in that he has developed his own market, and has taken all the steps he can to insure that the price of his product is competitive.

The manner in which the Supima Association and the individual growers of long staple have gone about developing their industry commands our respect and admiration, as being in the best tradition of American free enterprise.

COMMITTEE ON RULES

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged resolutions.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

INTERNAL REVENUE CODE OF 1954

(Mr. BAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER. Mr. Speaker, I have today introduced a bill to liberalize the depreciation provisions of the Internal Revenue Code of 1954. The liberalization would be a permanent change in our Federal tax structure and would provide that with respect to new capital assets acquired after May 5, 1958, the depreciation period would be equal to one-half of the useful life of the new property.

If enacted into law, this bill would bring about a deferment of tax liability as a consequence of stepped-up depreciation of deductions of an estimated \$1.5 billion in the first full year that the bill was effective.

This tax deferment will not result in a revenue loss because the tax deferment with respect to an asset would terminate as soon as the cost of acquisition has been recovered. This proposal is of potential benefit to 8 million taxpayers, including individuals, sole proprietorships, partnerships, and corporations.

It would stimulate the buying of a tremendous amount of machinery and equipment and consequently the manufacturing of a tremendous amount of machinery and equipment resulting in a great stimulus to business and production.

It would apply to everyone who uses capitalized equipment. It would modernize plants and factories by reason of the installation of new and modern machinery and equipment. The present downward adjustment in the level of economic activity is one of the reasons that prompted me to introduce this bill. Of the three principal segments in our economy, business expenditures comprise the only segment that has shown a de-

preciable decline. The other two principal segments, namely governmental expenditures and consumer expenditures, have either increased or are holding a relative level position.

In my judgment, this liberalized depreciation treatment with its implications of more realistic capital recovery would serve to significantly strengthen the one segment of our economy that has demonstrated a declining influence.

Enactment of this bill will provide increased job opportunities for American workers; job opportunities that would not only mean more jobs but better jobs based on increased productivity; increased payrolls that would result from the effectiveness of this legislation would strengthen the balance between increased consumer spending and increased industrial productivity.

It was clearly proven in the tax revision hearings before our committee early this year that an urgent need has long existed in our Federal tax structure for a more adequate recognition of the essentiality of introducing practical realism in the tax methods whereby we allow farmers, self-employed individuals, small-business men and other investors to recover the cost of capital asset acquisition.

The scientific and technological progress in our free enterprise system can be meaningless or at best limited in its benefits if such progress is not readily attainable by all our producers. Application of these improved production techniques will not only assure a better life for every American, but would in addition guarantee our productive preeminence over Communist imperialism.

I urge careful and early consideration of this proposal to conform existing depreciation practices to the realities of our present day economy by the Committee on Ways and Means and by the House of Representatives.

STORY OF FREE ENTERPRISE

(Mr. ALGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALGER. Mr. Speaker, back during the last war we all smiled over stories about the good dowagers who, after completing a study course in first aid, could hardly wait for a nasty accident to happen. Anyone within their reach who suffered a cut finger was apt to wind up with his arm in a sling.

Human foibles of this sort may be patiently borne, for there is no harm done anyone and the eager benefactress may feel herself a veritable Florence Nightingale.

It's like the story they used to tell about Winston Churchill. Strolling through Hyde Park shortly after his return from the Boer War, he came upon a wild-eyed demagog haranguing a listless and scarcely interested group, and denouncing the Queen in the strongest terms. A policeman was standing nearby calmly observing the scene, and Churchill asked him indignantly why the speaker hadn't been arrested. "Well, sir," replied the bobby, "I figure it this

way. Wot he's sayin' ain't 'urtin' 'er any and it may be doing 'im a lot of good."

Our first aid devotee would become dangerous only if she attempted to administer potent drugs or internal medicine. Heaven forbid she should attempt major surgery. Even the Hyde Park haranguer must be curbed short of fomenting actual rebellion.

So it is today. We can be tolerant of those who would treat our economic cut finger as a mortal wound, particularly in this election year. But let us restrain them short of drastic surgery, for the patient is recovering quite nicely, thank you.

MICHIGAN BEAN SOUP

(Mr. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTLEY. Mr. Speaker, it is my pleasure to announce to the membership of the House that tomorrow, May 8, the Michigan Bean Shippers Association and the Michigan department of agriculture are providing free bean soup in the House restaurant for all Members of the House as well as the members of the press. The same thing is being done for the other body on the same day.

These actions are being taken in connection with the present week which is designated as Michigan Week, May 4 through 10, and sponsored by Greater Michigan, Inc., and the Michigan Economic Development Commission. Several activities in Washington have been and are planned for this week under the chairmanship of the gentleman from Michigan, Mr. Ford, including a visit of the Michigan apple, bean, cherry and dairy queens on Friday, May 9. Since I am discussing beans, I am glad to announce that Michigan's bean queen, Miss Judy Lonsway, of Freeland, Mich., is from my own Congressional district.

Michigan beans, as found in our historic bean soup in the House restaurant, is a commodity wellknown to all Members of the House through the recipe printed on the back portion of the House restaurant menu. I should mention that it is the only commodity in the House menu which is identified by the State of its origin. All of us from Michigan are extremely proud of this State product in which we lead the entire Nation. For example, in 1957 Michigan produced 3,526,000 bags of Navy (pea) beans or 96 percent of the total United States production. Michigan ranked first in total dry bean production or 24 percent of the Nation's production, 3,754,000 hundredweight bags valued at \$28,155,000. Michigan produced 70 percent of the total Nation's cranberry bean crop or 40,000 hundredweight bags.

Latest official United States Department of Agriculture data reveals that the per capita consumption of dry edible beans in 1957 was 7.4 pounds for the civilian population of the United States. This is compared to 7.9 pounds in 1956, 7.3 pounds in 1955, the 1935-39 average of 8.8 pounds, and the 1947-49 average of 6.7 pounds. While still low in comparison with many other foods, the fact that

per capita bean consumption in each of the last 3 years is above the 1947-49 average is encouraging. The fact that beans are high in protein and low in fat content makes them desirable in the modern diet and should encourage greater consumption.

No official estimate is made of 1958 consumption levels, but bean trade people generally indicate that sales of both canned and dry beans are up over last year, indicating greater domestic consumption. The combined economy and flavorful nutrition of beans in the face of generally rising food costs in the middle of a recession is a strong sales factor in favor of beans.

I seem to recall that a couple of years ago when, through the courtesy of the Michigan Bean Shippers' Association, all Members of the House were furnished with a 2-pound bag of No. 1 Michigan white beans, such as used in our bean soup, the enthusiastic response was overwhelming. It, therefore, amused me a few months ago to learn of some upstart efforts to substitute potato soup, even though potatoes are another one of the crops for which Michigan is justly famed. Since reverence for things of tradition is a well-known characteristic of the House of Representatives, such upstart efforts were properly rejected by an overwhelming majority of interested persons. I am confident that Michigan bean soup will continue to occupy its place of prominence in the diet of the House for many, many years to come. It is, therefore, only fitting that in celebration of Michigan Week, Members of the House are invited to enjoy tomorrow all the bean soup of which they are capable of consuming.

BILL TO IMPROVE OUR RECREATIONAL AND WILDLIFE RESOURCES

(Mr. CURTIS of Missouri asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CURTIS of Missouri. Mr. Speaker, I have introduced today a bill designed to amend the first four sections of the Fish and Wildlife Coordination Act of March 10, 1934, as amended by the act of August 14, 1946 (60 Stat. 1080). It also contains the addition of a related section to the Watershed Protection and Flood Prevention Act, as amended (68 Stat. 666, 70 Stat. 1088). This bill provides for a more effective integration of our fish and wildlife conservation program with Federal water-resource developments, and other purposes. It is my opinion that this proposed legislation will bring the Nation's natural resources into better balance.

The real need for these proposed amendments as contained in the bill which I introduced today became quite apparent to me after hearing Secretary of the Interior, Fred A. Seaton, deliver an excellent address before a meeting of the National Wildlife Federation at the Statler Hotel in St. Louis. During this address, Secretary Seaton pointed out that demands on recreational and wildlife resources are growing with incredible intensity. The statistics which he recited were quite significant. He indicated

that the cities, roadways and industrial plants are taking about 1 million acres a year or an area larger than the State of Rhode Island. This coupled with the fantastic population growth of our country which indicates that by 1968 it may exceed 200 million emphasizes the necessity for long-range plans for the development and preservation of our natural resources. It is encouraging to note that since 1953 the Government has added almost 50,000 acres to the Federal wildlife refuges as part of the effort to meet future needs. Secretary Seaton indicated that the Department of Interior is investing nearly \$57 million in sport fisheries and wildlife programs this year which amounts to about a 60-percent increase over the amount spent in 1953 for similar purposes.

The Department of Interior has approved the amendments which are contained in this bill. In its report to the Committee on Merchant Marine and Fisheries, the Department stated that these proposals are very much in the public interest. This bill will provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments. It will establish clearly the authority of project construction agencies to provide for the enhancement of fish and wildlife resources as an integral part of water project development. It will also continue and strengthen the present authority of these agencies to provide for the mitigation of damage to these important resources.

This bill if implemented by legislation will further the following purposes, to wit:

First. Provide authority for the withdrawal of public lands to provide areas for fishing purposes—present law contains such authority for hunting purposes. The proposed amendment would also provide for the development of access to hunting and fishing areas over public lands.

Second. Authorize the acceptance of donations of land and contribution of funds for furtherance of the purposes of this act.

Third. Clarify the application of the act to navigation and dredging projects, whether these are undertaken by the Federal Government or by non-Federal interests under permit from the United States Corps of Engineers.

Fourth. Authorize the acquisition of land by project construction agencies for fish and wildlife conservation purposes in connection with Federal water-project development, subject to review and approval of the Congress of such acquisition proposals for individual projects; this authority is particularly needed to carry out most fish and wildlife conservation measures.

Fifth. Make the act clearly applicable to previously authorized projects provided that the construction of these projects is not substantially completed.

Sixth. Simplify the procedures under which Federal project lands, that are found to be valuable for the national migratory bird program, can be assigned to State Fish and Game Departments for management.

Seventh. Amend the Watershed Protection and Flood Prevention Act (68 Stat. 666, 70 Stat. 1038) to provide for the application of the principles of the Wildlife Coordination Act to the small watershed program, while leaving full control of the program with local groups in the Secretary of Agriculture.

In discussing the present Coordination Act and the measures necessary to make it an effective act, the Department of Interior has emphasized that this act has proved to be "of great benefit to the Nation in protecting and preserving our fish and wildlife resources; however, in carrying out our responsibilities under the act, we find that there is need for improvement in it. This view is shared by all of the State governors, whose Fish and Game Departments also have opportunities for conservation activities under the act. Also the national conservation organizations and commercial fishing interests for several years have strongly urged the strengthening of the act."

A real appreciation of the necessity for these important amendments, as contained in this bill, to this act is shored up by some very revealing statistics contained in a report published by the Department of the Interior early in February of last year. This report indicates that approximately 25 million persons, 12 years of age or over, hunted or fished in 1955. This is 1 out of every 5 in that age group. These people spend approximately \$3 billion, conservatively estimated, in their hunting and fishing activities. I believe these statistics help us to better understand the great significance of fish and wildlife resources in our economy and the life of our Nation.

Congress has given increased recognition to the fish and wildlife resources of this country through enactment of the Fish and Wildlife Act of August 8, 1956 (70 Stat. 1119). This legislation enhanced the position of fish and wildlife activities in the Federal Government and incorporated a declaration of policy by the Congress noting the importance of fish and wildlife resources to the national economy and food supply into the health, recreation, and well-being of our citizens. The act also stressed the need to maintain and increase these resources through proper development and management. Congress directed the Secretary of the Interior, among other things, to take such steps as may be required for the development of management, advancement, conservation and protection of the fisheries and wildlife resources, and to make such recommendations for additional legislation as deemed necessary. The limits contained in this bill are certainly consonant with congressional policy, and will provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments for the fuller enjoyment of our natural resources by all our citizens.

IRRESPONSIBLE GOSSIP

(Mr. BECKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BECKER. Mr. Speaker, 2 weeks ago I charged on the floor of the House that the Democrats were trying to create confusion and hysteria in the minds of the American people by misstatements, mistruths, and distortions. A former President was forced to apologize for one that he had made.

I listened to Paul Butler, the Democrat national chairman, Monday night on television, and heard him predict that the President of the United States would resign after the November elections. I charge that Paul Butler, if he is not the author of this gossip, has caused it to spread; that Paul Butler is fanning the flames in order to keep the smoke going. Nobody can say that President Eisenhower is going to resign in November. I predict also that Paul Butler will be forced to apologize, before the end of the year, to the American people, for that misstatement—or call it what you will.

THE AMERICAN PAVILION AT THE BRUSSELS FAIR

(Mr. CANFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANFIELD. Mr. Speaker, Steve Hess is an American GI with our Army forces in Heidelberg, Germany. Recently Steve had a furlough and made a trip to Belgium to attend the Brussels fair.

Inasmuch as there has been much discussion in the press of our country and also on the floor of this House regarding the relative merits and demerits of the American and Russian pavilions at this fair, I wish to read a postal card sent me by Steve Hess, dated just a few days ago. Steve says this:

The American pavilion is quite impressive. Has the Russian building, which looks like a glass factory, beat by a mile.

Steve Hess majored in political science at Johns Hopkins University. He is a serious-minded researcher of the American scene. His appraisal of what he saw at Brussels pleases me, and should be reassuring to those who may have had doubts.

THE HONORABLE CLARENCE CANNON

(Mr. THOMAS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. THOMAS. Mr. Speaker, I marvel at the unlimited capacity for work that the gentleman from Missouri, Chairman CANNON, exhibits every day. It is almost unbelievable when we see him personally conducting hearings of one of the most difficult and important subcommittees. His zest for work and his ability increase daily.

He sits, day after day, directing those minute examinations on public works and many other tedious but highly important items. In addition, he keeps his hands on practically every detail of the entire Federal budget.

The House of Representatives owes him a great debt of gratitude for the very fine work he does. Certainly, the people of the great State of Missouri

and the Ninth District of Missouri, he has represented so ably and long, are just as proud of him as all of us are, in the House of Representatives.

HOW ABOUT A PROGRAM TO GET INCOMES UP AND PRICES DOWN?

(Mr. REUSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REUSS. Mr. Speaker, the May 6 Wall Street Journal carries a story which makes clear, by a nationwide series of interviews, that the current recession is caused by consumers' failure to buy, and that their failure to buy is not due to lack of advertising and selling effort by business, as President Eisenhower seems to suggest, but to spendable income that is too low and prices that are too high.

These are exactly my own findings, and I am delighted to include the entire article:

CONTRARY CONSUMERS—"BUY NOW" DRIVES DON'T INFLUENCE THEM THOUGH THEIR DESIRES ARE MANY—THEY TALK OF HIGH PRICES, LACK OF CASH; UNCERTAINTY LEADS MANY TO SHUN DEBT—"IT'S A GOOD TIME TO SAVE"

A little more spending money and a lot more price reductions would spur consumer spending more than all the earnest campaigning by industry and Government to get Americans to buy now.

Who says so? Consumers, who've got their eyes on all kinds of goods, from autos and hi-fi sets to homes and new summer suits.

In the past few days, Wall Street Journal reporters talked with housewives, young married folks, retired people, farmers, corporate executives and factory workers in widely scattered parts of the country. They found almost all had a hankering to buy one or more major items; there was little evidence consumer buying desires had been saturated by the post-war spending splurge, a theory advanced by some economists to explain the recession.

But only a few of those interviewed were actually planning to purchase goods now or in the next couple of months. Most commonly given reasons: Too high prices, lack of ready cash, and an unwillingness, despite the many buy-now drives, to dip into savings or go into debt—even if this spending might have some beneficial effect on the Nation's economy.

"WE'RE POSTPONING"

"Personally," says Leslie Biebl, tall sandy-haired program director of Radio Station WHK in Cleveland, "I feel one of the big causes of our economic trouble right now is that people have been pushed into buying what they're not financially ready for." Mr. Biebl says his family wants to buy a hi-fi set "but we're postponing it until we feel we can handle it without going into debt or our savings, possibly later this year."

A Dallas utility employee says he's holding off buying a diningroom suite which he had tentatively planned to purchase this month. Now, he figures, it probably will be July or August before he buys it. "We just don't have the money," he explains.

Mrs. Mary Mahoney, a matron for the Hudson & Manhattan Railroad in New York City, tells a reporter she wants to buy a new refrigerator and more furniture "but I need some more money for a downpayment so I won't go too heavily into debt."

"I need a car badly but I don't have the money to buy one," remarks John Wildt, a Miami auto mechanic. David Rose, a barber in the same city, says he and his wife

have put off buying costlier items. "I depend heavily on tips," he observes, "and they just haven't been there the past year or so."

Mrs. Irene Goodman, a San Francisco secretary, says she and her husband were talking earlier this year about buying a new car and maybe making some home repairs. "Now," she says, "we've decided it's a good time to save. Prices on everything are just too high and too unsettled."

TAX CUTS? PUBLIC WORKS?

These comments are fairly representative of the reactions of some 300 consumers picked at random and asked about their spending plans. Their views might be well worth noting, for many economic trend watchers say the American consumer and his spending habits will determine in large measure how long the recession continues and how severe it becomes. Just last week, the presidents of the 12 Federal Reserve banks told the Senate Finance Committee prompt tax cuts and more public-works outlays would be indicated if consumer spending is substantially curtailed.

Spending on personal consumption in the first quarter of this year was running at an annual rate of about \$281 billion, estimates the President's Council of Economic Advisers. This would be up from a rate of \$276.7 billion in the initial quarter of 1957 but down from the record \$283.6 billion pace in the third quarter of last year and the \$282.4 billion rate in the fourth quarter. Economists point out that figures for this year's first quarter are buoyed up by price increases and that notable changes have occurred in the pattern of spending, characterized mainly by an increase in spending on services and declines in outlays for the durable goods—autos, appliances, and such.

Many individuals' earnings have been cut, of course, through layoffs, reductions in overtime, and loss of sales commissions or bonuses.

In many other cases where consumers are cutting their spending, however, it's not because they lack ready cash. Americans since the first of the year have been stashing away savings at a swifter rate than a year ago. Savings in mutual savings banks, for example, rose \$719 million, or 2.2 percent, in the first quarter, compared with a 1.4 percent rise a year earlier.

Prices clearly are deterring many folks from buying what they say they want. Most hope they'll get better deals later on, so they're holding off buying now.

ONLY FROM NECESSITY

Take John Wills, a young Gulf Oil Corp. engineer in St. Louis who's getting married in August. He's in the market for a complete set of household goods and appliances "but I'm not going to buy at present prices unless I'm forced to. I'll buy only from necessity."

A high-ranking Federal official in Connecticut declares: "I've put off buying a new car because they're overpriced."

John Schwalg, a 38-year-old sales engineer for a manufacturers' representative in Cleveland, says he's putting off buying a house and a second car. "I think Detroit is going to have to lower its prices this summer," says Mr. Schwalg, "and I think home prices also will come down within 6 months."

"We're hoping that prices will drop so we can buy some furniture," states a St. Louis housewife, Mrs. Teresa Lenharth. "We're also considering making porch repairs on our home. If cars were cheaper," she says, "we might consider buying a different one." Her present model: A 1950 Dodge. "People do without a lot of things because prices are too high," she muses.

One proposed route to lower prices, of course, is removal or reduction of Federal excise taxes on cars, among other things. Though sentiment for tax cuts to cope with the recession has diminished in Washington,

reductions still haven't been written off. Legislative talk of tax cuts very frequently includes reductions in excise, as well as personal, levies.

"BUY" BOOMERANG

President Eisenhower's call on consumers to "buy," and the spurge of industry and community efforts to induce greater consumer spending fail to move, or impress, many potential buyers.

"Eisenhower's plan is good," allows Ralph Wagner, an Erie, Pa., salesman, "if he would just tell us where we get the money."

Frank Allebaugh, advertising account executive in Denver, puts it this way: "When the President says 'buy now,' it frankly scares the hell out of me. Ordinarily he isn't concerned whether I buy or not. When the President pleads for me to buy I immediately conclude that things are a lot worse than I thought they were."

Snaps Edith DeBlois, a Denver secretary: "I don't pay any attention to this 'buy now' stuff. Nobody tells me when to buy and when not to buy."

Observes Edgar E. Miller, a transplanted Tennessean who works as a Chicago bank guard: "If a man's agoin' to buy, he's agoin' to buy. And he doesn't need any campaign."

What lirks a good many consumers is that there's much talk by retailers and manufacturers about price cutting—but seemingly few actual reductions.

ERSATZ "SALES"

Edward Stone, a civilian employee of the United States Navy's Public Works Department in New York, says he's been shopping around for a washer and dryer and sometimes sees one "on sale." But, he complains, "Some of these so-called sales aren't sales at all. They're nothing but attempts to make things look startling without really cutting prices. You can't believe what you read anymore," he avers. "You've got to do comparison shopping."

A Dallas oil company employee voices a similar complaint. He says he had hoped to buy a new car early this year but then decided against it when his wife became pregnant. After the various "you auto buy now" campaigns started, he relates, "I went out to check the price of the car I was interested in. But I found the price hadn't changed any from the time I had asked earlier; so I concluded these car dealers aren't hurting bad."

Many consumers indicate they're in no mood to take on new installment purchases now because they're already carrying heavy debts.

A 33-year-old salesman of photographic and art supplies in Cleveland says he and his wife have put off buying about \$500 worth of furniture. "You know," he explains, "we owe more than \$2,000 on our car, appliance, and other furniture. We even owe some of our relatives." He figures it may be more than a year before he gets back into the market again.

Joe Nelser, an advertising man in Chula Vista, Calif., says he's still paying off last year's purchases. But when the payments are finished, he adds, he expects to buy a car to replace his present 8-year-old model.

Myron Messler, a Kansas City clerk, bought a house 2 years ago and acquired other goods on credit. "It takes everything I make to keep up the payments," he says. "I'm not worried about my job, but I don't see much chance of a wage increase this year so I'm not buying anything else until I whittle down my obligations."

Some folks, fresh out of debts, show no inclination to take the plunge soon again.

Miss Alice Spence, Denver secretary, says she "would like to spend about \$500 on a TV set, a hi-fi, and a new top for my MG car." But, she adds, "I guess I'll do without them for a while. I like the feeling of having no monthly payments too well."

85TH CONGRESS
2D SESSION

H. R. 12371

Same as
HR 13138

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1958

Mr. CURTIS of Missouri introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To amend the Act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Wildlife Coordination
4 Act".

5 SEC. 2. The first four sections of the Act entitled "An
6 Act to promote the conservation of wildlife, fish, and game,
7 and for other purposes", approved March 10, 1934 (16
8 U. S. C., secs. 661-664, inclusive) are amended to read as
9 follows:

1 “For the purpose of recognizing the vital contribution
2 of our wildlife resources to the Nation, the increasing public
3 interest and significance thereof due to expansion of our na-
4 tional economy and other factors, and to provide that wildlife
5 conservation shall receive equal consideration and be coor-
6 dinated with other features of water-resource development
7 programs through the effectual and harmonious planning,
8 development, maintenance, and coordination of wildlife con-
9 servation and rehabilitation for the purposes of this Act in
10 the United States, its Territories and possessions, the Secre-
11 tary of the Interior is authorized (1) to provide assistance
12 to, and cooperate with, Federal, State, and public or private
13 agencies and organizations in the development, protection,
14 rearing, and stocking of all species of wildlife, resources
15 thereof, and their habitat, in controlling losses of the same
16 from disease or other causes, in minimizing damages from
17 overabundant species, in providing public shooting and fish-
18 ing areas, including easements across public lands for access
19 thereto, and in carrying out other measures necessary to ef-
20 fectuate the purposes of this Act; (2) to make surveys and
21 investigations of the wildlife of the public domain, including
22 lands and waters or interests therein acquired or controlled
23 by any agency of the United States; and (3) to accept dona-
24 tions of land and contributions of funds in furtherance of the
25 purposes of this Act.

1 “SEC. 2. (a) Except as hereafter stated in subsection
2 (h) of this section, whenever the waters of any stream or
3 other body of water are proposed or authorized to be im-
4 pounded, diverted, the channel deepened, or the stream or
5 other body of water otherwise controlled or modified for any
6 purpose whatever, including navigation and drainage, by
7 any department or agency of the United States, or by any
8 public or private agency under Federal permit or license,
9 such department or agency first shall consult with the United
10 States Fish and Wildlife Service, Department of the In-
11 terior, and with the head of the agency exercising adminis-
12 tration over the wildlife resources of the particular State
13 wherein the impoundment, diversion, or other control
14 facility is to be constructed, with a view to the conservation
15 of wildlife resources by preventing loss of and damage to
16 such resources as well as providing for the development
17 and improvement thereof in connection with such water-
18 resource development.

19 “(b) In furtherance of such purposes, the reports and
20 recommendations of the Secretary of the Interior on the wild-
21 life aspects of such projects, and any report of the head of the
22 State agency exercising administration over the wildlife re-
23 sources of the State, based on surveys and investigations con-
24 ducted by the United States Fish and Wildlife Service and
25 such State agency for the purpose of determining the possi-

1 ble damage to wildlife resources and for the purpose of deter-
2 mining means and measures that should be adopted to prevent
3 the loss of or damage to such wildlife resources, as well as to
4 provide concurrently for the development and improvement
5 of such resources, shall be made an integral part of any report
6 prepared or submitted by any agency of the Federal Gov-
7 ernment responsible for engineering surveys and construction
8 of such projects when such reports are presented to the Con-
9 gress or to any agency or person having the authority or the
10 power, by administrative action, or otherwise, (1) to au-
11 thorize the construction of water-resource development proj-
12 ects or (2) to approve a report on the modification or sup-
13 plementation of plans for previously authorized projects, to
14 which this Act applies. Recommendations of the Secretary
15 of the Interior shall be as specific as is practicable with re-
16 spect to features recommended for wildlife conservation and
17 development, lands to be utilized or acquired for such pur-
18 poses, the results expected, and shall describe the damage to
19 wildlife attributable to the project and the measures proposed
20 for mitigating or compensating for these damages. The re-
21 porting officers in project reports of the Federal agencies
22 shall give full consideration to the report and recommenda-
23 tions of the Secretary of the Interior and to any report of the
24 State agency, on the wildlife aspects of such projects and the
25 project plan shall include such justifiable means and meas-

1 ures for wildlife purposes as the reporting agency finds should
2 be adopted to obtain maximum overall project benefits.

3 “(c) Federal agencies authorized to construct or operate
4 water-control projects are hereby authorized to modify or
5 add to the structures and operations of such projects, the
6 construction of which has not been substantially completed
7 on the date of enactment of the Wildlife Coordination Act,
8 and to acquire lands in accordance with section 3 of this
9 Act, in order to accommodate the means and measures for
10 such conservation of wildlife resources as an integral part of
11 such projects: *Provided*, That for projects authorized by
12 a specific Act of Congress before the date of enactment
13 of the Wildlife Coordination Act (1) such modification or
14 land acquisition shall be compatible with the purposes for
15 which the project was authorized; (2) the cost of such
16 modifications or land acquisition, as means and measures to
17 prevent loss of and damage to wildlife resources to the extent
18 justifiable, shall be an integral part of the cost of such
19 projects; and (3) the cost of such modifications or land
20 acquisition for the development or improvement of wildlife
21 resources may be included to the extent justifiable, and an
22 appropriate share of the cost of any project may be allocated
23 for this purpose with a finding as to the part of such allocated
24 cost, if any, to be reimbursed by non-Federal interests.

25 “(d) The cost of planning for and the construction or

1 installation and maintenance of such means and measures
2 adopted to carry out the conservation purposes of this sec-
3 tion shall constitute an integral part of the cost of such
4 projects: *Provided*, That such cost attributable to the de-
5 velopment and improvement of wildlife shall not extend
6 beyond those necessary for (1) land acquisition, (2) modi-
7 fication of the project, and (3) modification of project
8 operations; but shall not include the operation of wildlife
9 facilities nor the construction of such facilities beyond those
10 herein described: *And provided further*, That, in the case
11 of projects authorized to be constructed, operated, and main-
12 tained in accordance with the Federal reclamation laws
13 (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory
14 thereof or supplementary thereto), the Secretary of the
15 Interior, in addition to allocations made under section 9 of
16 the Reclamation Project Act of 1939 (53 Stat. 1187),
17 shall make findings on the part of the estimated cost of the
18 project which can properly be allocated to means and
19 measures to prevent loss of and damage to wildlife resources,
20 which costs shall not be reimbursable, and an appropriate
21 share of the project costs may be allocated to development
22 and improvement of wildlife resources, with a finding as to
23 the part of such allocated costs, if any, to be reimbursed by
24 non-Federal fish and wildlife agencies or interests.

25 “(e) In the case of construction by a Federal agency,

1 that agency is authorized to transfer to the United States
2 Fish and Wildlife Service, out of appropriations or other
3 funds made available for investigations, engineering, or con-
4 struction, such funds as may be necessary to conduct all or
5 part of the investigations required to carry out the purposes
6 of this section.

7 “(f) In addition to other requirements, there shall be
8 included in any report submitted to Congress supporting a
9 recommendation for authorization of any new project for the
10 control or use of water as described herein (including any
11 new division of such project or new supplemental works
12 of such project) an estimation of the wildlife benefits or
13 losses to be derived therefrom including benefits to be derived
14 from measures recommended specifically for the development
15 and improvement of wildlife resources, the cost of providing
16 wildlife benefits (including the cost of additional facilities
17 to be installed or lands to be acquired specifically for that
18 particular phase of wildlife conservation relating to the de-
19 velopment and improvement of wildlife), the part of the
20 cost of joint-use facilities allocated to wildlife, and the part
21 of such costs, if any, to be reimbursed by non-Federal
22 interests.

23 “(g) The provisions of this section shall be applicable
24 with respect to any project for the control or use of water
25 as prescribed herein, or any unit of such project authorized

1 before or after the date of enactment of the Wildlife Coordi-
2 nation Act for planning or construction, but shall not be
3 applicable to any project or unit thereof authorized before
4 the date of enactment of the Wildlife Coordination Act if
5 the construction of the particular project or unit thereof has
6 been substantially completed. A project or unit thereof shall
7 be considered to be substantially completed when sixty per-
8 cent or more of the estimated construction cost has been
9 obligated for expenditure.

10 “(h) The provisions of this Act shall not be applicable
11 to those projects for the impoundment of water where the
12 maximum surface area of such impoundments is less than
13 ten acres, nor to activities for or in connection with pro-
14 grams primarily for land management and use carried out
15 by Federal agencies with respect to Federal lands under their
16 jurisdiction.

17 “SEC. 3. (a) Subject to the exceptions prescribed in
18 section 2 (h) of this Act, whenever the waters of any
19 stream or other body of water are impounded, diverted,
20 the channel deepened, or the stream or other body of water
21 otherwise controlled or modified for any purpose whatever,
22 including navigation and drainage, by any department or
23 agency of the United States, adequate provision, consistent
24 with the primary purposes of such impoundment, diversion,
25 or other control, shall be made for the use thereof, together

1 with any areas of land, water, or interests therein, acquired
2 or administered by a Federal agency in connection there-
3 with, for the conservation, maintenance, and management
4 of wildlife resources thereof, and its habitat thereon, includ-
5 ing the development and improvement of such wildlife
6 resources pursuant to the provisions of section 2 of this
7 Act.

8 “(b) The use of such waters, land, or interests therein
9 for wildlife conservation purposes shall be in accordance with
10 general plans approved jointly (1) by the head of the par-
11 ticular department or agency exercising primary administra-
12 tion in each instance, (2) by the Secretary of the Interior,
13 and (3) by the head of the agency exercising the administra-
14 tion of the wildlife resources of the particular State wherein
15 the waters and areas lie. Such waters and other interests
16 shall be made available, without cost for administration, by
17 such State agency, if the management of the properties relate
18 to the conservation of wildlife other than migratory birds,
19 or by the Secretary of the Interior, for administration in such
20 manner as he may deem advisable, where the particular
21 properties have value in carrying out the national migratory
22 bird management program: *Provided*, That nothing in this
23 section shall be construed as affecting the authority of the
24 Secretary of Agriculture to cooperate with the States or in
25 making lands available to the States with respect to the

1 management of wildlife and wildlife habitat on lands ad-
2 ministered by him.

3 “(c) When consistent with the purposes of this Act and
4 the reports and findings of the Secretary of the Interior pre-
5 pared in accordance with section 2, land, waters, and in-
6 terests therein may be acquired by Federal construction
7 agencies for the wildlife conservation and development pur-
8 poses of this Act in connection with a project as reasonably
9 needed to preserve and assure for the public benefit the wild-
10 life potentials of the particular project area: *Provided*, That
11 before properties are acquired for this purpose, the probable
12 extent of such acquisition shall be set forth, along with other
13 data necessary for project authorization, in a report sub-
14 mitted to the Congress, or in the case of a project previously
15 authorized, no such properties shall be acquired unless spe-
16 cifically authorized by Congress, if specific authority for such
17 acquisition is recommended by the construction agency.

18 “(d) Properties acquired for the purposes of this sec-
19 tion shall continue to be used for such purposes, and shall
20 not become the subject of exchange or other transactions if
21 such exchange or other transaction would defeat the initial
22 purpose of their acquisition;

23 “(e) Federal lands acquired or withdrawn for Federal
24 water-resource purposes and made available to the States or
25 to the Secretary of the Interior for wildlife management

1 purposes, shall be made available for such purposes in
2 accordance with this Act, notwithstanding other provisions
3 of law.

4 “(f) Any lands acquired pursuant to this section by any
5 Federal agency within the exterior boundaries of a national
6 forest shall, upon acquisition, be added to and become
7 national forest lands, and shall be administered as a part
8 of the forest within which they are situated, subject to all
9 laws applicable to lands acquired under the provisions of
10 the Act of March 1, 1911 (36 Stat. 961), unless such lands
11 are acquired to carry out the National Migratory Bird Man-
12 agement Program.

13 “SEC. 4. Such areas as are made available to the Secre-
14 tary of the Interior for the purposes of this Act, pursuant to
15 sections 1 and 3 or pursuant to any other authorization, shall
16 be administered by him directly or in accordance with co-
17 operative agreements entered into pursuant to the provisions
18 of the first section of this Act and in accordance with such
19 rules and regulations for the conservation, maintenance, and
20 management of wildlife, resources thereof, and its habitat
21 thereon, as may be adopted by the Secretary in accordance
22 with general plans approved jointly by the Secretary of
23 the Interior and the head of the department of agency exer-
24 cising primary administration of such areas: *Provided*, That
25 such rules and regulations shall not be inconsistent with the

1 laws for the protection of fish and game of the States in
2 which such area is situated (16 U. S. C., sec. 664) : *Provided*
3 *further*, That lands having value to the National Migratory
4 Bird Management Program may, pursuant to general plans,
5 be made available without cost directly to the State agency
6 having control over wildlife resources, if it is jointly deter-
7 mined by the Secretary of the Interior and such State agency
8 that this would be in the public interest: *And provided fur-*
9 *ther*, That the Secretary of the Interior shall have the right
10 to assume the management and administration of such lands
11 in behalf of the National Migratory Bird Management Pro-
12 gram if the Secretary finds that the State agency has with-
13 drawn from or otherwise relinquished such management and
14 administration.”

15 SEC. 2. The Watershed Protection and Flood Preven-
16 tion Act, as amended (16 U. S. C., sec. 1001–1007, in-
17 clusive), is amended by adding at the end thereof the
18 following new section:

19 “SEC. 12. When the Secretary approves the furnish-
20 ing of assistance to a local organization in preparing a plan
21 for works of improvement as provided for in section 3:

22 “(1) The Secretary shall so notify the Secretary of the
23 Interior in order that the latter, as he desires, may make
24 surveys and investigations and prepare a report with recom-
25 mendations concerning the conservation and development of

1 wildlife resources and participate, under arrangements satis-
2 factory to the Secretary of Agriculture, in the preparation
3 of a plan for works of improvement that is acceptable to the
4 local organization and the Secretary of Agriculture.

5 “(2) Full consideration shall be given to the recom-
6 mendations contained in any such report of the Secretary
7 of the Interior as he may submit to the Secretary of Agri-
8 culture prior to the time the local organization and the
9 Secretary of Agriculture have agreed on a plan for works
10 of improvement. The plan shall include such of the tech-
11 nically and economically feasible works of improvement for
12 wildlife purposes recommended in the report by the Secre-
13 tary of the Interior as are acceptable to, and agreed to by,
14 the local organization and the Secretary of Agriculture, and
15 such report of the Secretary of the Interior shall, if re-
16 quested by the Secretary of the Interior, accompany the plan
17 for works of improvement when it is submitted to the Secre-
18 tary of Agriculture for approval or transmitted to the Con-
19 gress through the President.

20 “(3) The cost of making surveys and investigations
21 and of preparing reports concerning the conservation and
22 development of wildlife resources shall be borne by the
23 Secretary of the Interior out of funds appropriated to his
24 Department.”

A BILL

To amend the Act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

By Mr. CURTIS of Missouri

MAY 7, 1958

Referred to the Committee on Merchant Marine and Fisheries

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued June 30, 1958
For actions of June 27, 1958
85th-2d, No. 107

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HIGHLIGHTS: Senate concurred in House amendments to employee training bill. House passed omnibus transportation bill. Both Houses agreed to conference report on mutual security authorization bill. House committee reported mutual security appropriation bill. Both Houses passed appropriation continuation measure, including funds for pay raise costs. House committee ordered reported area redevelopment bill.

SENATE

1. APPROPRIATIONS. Both Houses passed without amendment H. J. Res. 640, making temporary appropriations for fiscal year 1958 to pay for Federal employee pay raises, which had been reported earlier in the day by both Houses (S. Rept. 1765; (H. Rept. 2046). pp. 11297, 11348-50, 11395, 11263. This measure will now be sent to the President.
The Appropriations Committee reported with amendments H.R. 12948, the D. C. appropriation bill for 1959 (S. Rept. 1764). p. 11263
2. PERSONNEL. Concurred in the House amendments to S. 385, to provide general legislative authority for the training of Federal employees. pp. 11297-301. This bill will now be sent to the President.
3. FOREIGN AID. Both Houses agreed to the conference report on H. R. 12181, the mutual security authorization bill for 1958. pp. 11317-9, 11341-8. This bill will now be sent to the President.
4. FORESTRY. Sen. Neuberger inserted various letters on S. 3051, the Klamath Indian termination amendment bill, and the testimony of the National Lumber Manufacturers' Ass'n, which he criticized. pp. 11270-6

5. FARM PROGRAM. The Agriculture and Forestry Committee received permission to file a report before midnight, June 28, on an original farm bill. p. 11267
 6. STATEHOOD. Continued debate on H. R. 7999, to admit Alaska into the Union as a State. (pp. 11278-84, 11285-96, 11301-11, 11313-6, 11320). Rejected a proposed amendment to provide commonwealth status for Alaska (pp. 11286-90), and overruled a point of order on the future defense land withdrawal section (pp. 11290-6, 11301-8).
 7. MINERALS. The Interior and Insular Affairs Committee ordered reported with amendments S. 4036, to provide stabilization payments for the production of certain minerals. p. D606
 8. R.E.A. Sen. Humphrey inserted resolutions of the Carlton County, Minn., Cooperative Power Ass'n and the Northern Electric Cooperative Ass'n urging enactment of the legislation to divest the Secretary of control over REA functions. p. 11260
 9. RECESSED until Mon., June 30. p. 11328
- HOUSE
10. TRANSPORTATION. Passed, 348 to 2, with amendments H. R. 12832, the omnibus transportation bill. pp. 11350-84
Agreed to a committee amendment, as amended by amendments by Reps. Staggers and Roberts, to place under ICC regulation vegetables, coffee, tea, bananas, cocoa or hemp, and wool imported from any foreign country, wool tops and noils, or wool waste, carded but not spun, woven, or knitted. The amendment by Rep. Staggers continues the present exemption of cleaned or scoured wool from ICC regulation. The amendment of Rep. Roberts included bananas in the list of commodities subject to regulation. pp. 11375-7
Rejected amendments by Rep. Miller, Md., to continue the present exemption from ICC regulation of frozen fruits, berries and vegetables, and by Rep. Gubser to restore the existing exemption for frozen fruits, berries, and vegetables in less than carload lots. pp. 11381-2
Substituted the language of H. R. 12832 as passed for that of a similar bill, S. 3778. H. R. 12832 was laid on the table. (pp. 11388-91) Conferees were appointed.
 11. TAXATION. Agreed, 366 to 9, to the conference report on H. R. 12695, to extend for 1 year the corporate normal-tax rate and certain excise tax rates, and to repeal the tax on transportation. pp. 11332-41, 11385-6. This bill will now be sent to the President.
 12. APPROPRIATIONS. The Appropriations Committee reported without amendment H. R. 13192, the mutual security appropriation bill (H. Rept. 2048). p. 11395
 13. FORESTRY. The Agriculture Committee reported without amendment H. R. 12161, to provide for the establishment of townsites from national forest lands (H. Rept. 2044). p. 11394
 14. AREA REDEVELOPMENT. The Banking and Currency Committee ordered reported with amendment S. 3683, to establish an effective program to alleviate conditions of substantial unemployment in certain economically depressed areas. p. D608
 15. WATER RESOURCES. A subcommittee of the Merchant Marine and Fisheries Committee ordered reported with amendment H. R. 13138, to amend the Coordination Act so as to provide more effective integration of fish and wildlife conservation programs with Federal water resource development programs. p. D608

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued July 10, 1958
For actions of July 9, 1958
85th-2d, No. 114

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HIGHLIGHTS: Senate passed public works appropriation bill.

SENATE

1. COOPERATIVES. The Agriculture and Forestry Committee reported with amendments S. 2444, to authorize producers' cooperatives to bargain with purchasers singly or in groups (S. Rept. 1810). p. 11967
2. APPROPRIATIONS. Passed with amendments H. R. 12858, the civil functions appropriations bill for the Army Corps of Engineers, certain agencies of the Interior Department, and TVA, for 1959. pp. 11990-12008
3. EXPENDITURES; PERSONNEL. Sen. Byrd submitted the report of the Joint Committee on Reduction of Nonessential Federal Expenditures on Federal employment and pay for May 1958. pp. 11968-71
4. STATEHOOD. Sen. Bible commended the passage of the Alaska statehood bill and Sen. Monroney concurred. pp. 11979-80
5. ECONOMIC SITUATION. Sen. Potter inserted the speeches of the President, Ralph Cordiner of GE, and Thomas McCabe of Scott Paper Co., at the economic mobilization conference on the economic situation and efforts made to accelerate the upturn in the economy. pp. 11980-5

6. RESEARCH; LANDS; TOBACCO. The Agriculture Committee reported the following bills: (p. 12086)
 - S. 3076, without amendment, to authorize the transportation in the U. S. of live foot-and-mouth disease virus for research purposes (H. Rept. 2126).
 - H. R. 6542, without amendment, to authorize the conveyance of certain forest lands to the town of Dayton, Wyo. (H. Rept. 2127).
 - H. R. 12840, without amendment, to provide a single acreage allotment for Va. sun-cured and Va. fire-cured tobaccos if farmers vote approval in a referendum (H. Rept. 2128).
7. INFORMATION; LIBRARIES. The House Administration Committee reported without amendment H. R. 13140, to provide for distribution of additional types of Government publications to depository libraries and to provide for designation of additional depository libraries (H. Rept. 2136). p. 12086
8. FISH AND WILDLIFE. The Merchant Marine and Fisheries Committee ordered reported the following bills: (p. D654)
 - H. R. 13138, with amendment, to amend the Coordination Act so as to provide more effective integration of fish and wildlife conservation programs with Federal water development programs.
 - S. 2617, with amendment, to authorize the purchase by the Secretary of the Interior of wetlands and small areas for migratory bird sanctuaries from funds collected from the sale of Migratory Bird hunting stamps.
 - S. 2447, with amendment, to authorize studies by Interior of the effects of insecticides upon fish and wildlife.
 - H. R. 10244, with amendment, to reaffirm the national policy regarding fish and wildlife resources.
9. INSPECTION SERVICES. A subcommittee of the Government Operations Committee ordered reported S. 3873, to authorize the interchange of inspection services between executive agencies without reimbursement or transfer of lands. p. D653
10. EDUCATION. Rep. Haskell inserted a letter from the President expressing his support for enactment of "a sound educational bill." p. 12040
Received from the U. S. Advisory Commission on Educational Exchange a report on the educational exchange activities (H. Doc. 419). p. 12085
11. SMALL BUSINESS. Received the conference report on H. R. 7963, to make the Small Business Administration a permanent agency and to increase the SBA loan authority (H. Rept. 2135). pp. 12041-43
12. MILITARY CONSTRUCTION. Debated H. R. 13015, to authorize construction at military installations, including authorization for financing from the foreign currencies acquired under Public Law 480 or through other commodity transactions of CCC. pp. 12043, 12044-74
13. PERSONNEL. The Rules Committee reported a resolution for consideration of S. 1411, to give agencies discretion in either suspending or retaining on duty a Federal employee prior to security hearings. p. 12043
14. ATOMIC ENERGY. Rep. Bailey spoke in opposition to provisions of the proposed Atomic Energy Commission authorization bill which would accelerate the development of atomic reactors. pp. 12074-77
The Rules Committee reported a resolution for consideration of H. R. 13121, the Atomic Energy Commission authorization bill. p. 12043

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued July 17, 1958
For actions of July 16, 1958
85th-2d, No. 119

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HIGHLIGHTS: House concurred in Senate amendment to bill to extend authority for Federal administration of ACP. Senate debated trade agreements extension bill. House committee reported bill to increase allotments for extra-long staple cotton seed.

HOUSE

1. SOIL CONSERVATION. Agreed to the Senate amendment to H. R. 1045, to extend for 4 additional years, until December 31, 1962, the authority of the Secretary to administer the agricultural conservation program pending the approval of State plans for administration of the program. This bill will now be sent to the President. p. 12737
2. COTTON ALLOTMENTS; LANDS. The Agriculture Committee reported without amendment H. R. 12531 to permit the allocation from acreage of extra long staple cotton for the production of extra long staple cotton seed (H. Rept. 2185), and H. R. 11800, with amendment, to authorize the Secretary to sell a tract of land and buildings thereon under the jurisdiction of ARS to Clifton, N. J. (H. Rept. 2184). p. 12779
3. FISH AND WILDLIFE. The Merchant Marine and Fisheries Committee reported with amendments H. R. 13138, to amend the Coordination Act so as to provide more effective integration of fish and wildlife conservation programs with Federal
(over)

water development programs (H. Rept. 2183); S. 2617, to authorize the purchase by the Secretary of the Interior of wetlands and small areas for migratory bird sanctuaries from funds collected from the sale of migratory bird hunting stamps (H. Rept. 2182); and S. 2447, to authorize studies by Interior of the effects of insecticides, herbicides, fungicides and other pesticides upon fish and wildlife (H. Rept. 2181). p. 12779

4. SMALL BUSINESS. The Ways and Means Committee reported with amendment H. R. 13382, the proposed Small Business Tax Revision Act of 1959 (H. Rept. 1298). p. 12779
5. FEDERAL-STATE RELATIONS. Continued debate on H. R. 3, to establish rules of interpretation governing questions of the effect of acts of Congress on State laws. pp. 12745-74
6. PERSONNEL. A subcommittee of the Government Operations Committee ordered reported with amendment S. 1903, to specifically include persons who are appointed by the President and confirmed by the Senate among the personnel for whom certain transportation costs may be paid outside continental U. S. p. D688
A subcommittee of the Post Office and Civil Service Committee ordered reported with amendment S. 25, to specify the effective date upon which changes in pay of wage-board employees shall begin following the start of a survey. p. D689
7. WATER POLLUTION. The Public Works Committee ordered reported H. R. 11714, to amend the Federal Water Pollution Act so as to increase the limitation on certain grants for construction from \$250,000 to \$500,000. p. D689
8. ELECTRIFICATION. Conferees were appointed on H. R. 13121, authorizations for appropriations for AEC projects for 1959. Senate conferees have been appointed. p. 12774
9. AREA REDEVELOPMENT. Rep. Byrd urged enactment during this session of legislation to provide Federal assistance to economically depressed areas. p. 12776

SENATE

10. TRADE AGREEMENTS. Began debate on H. R. 12591, to extend and amend the Trade Agreements Act. Adopted the committee amendments en bloc as the text for additional amendments. pp. 12655-7, 12659-60, 12674-94, 12698-9, 12718-33
11. FORESTRY. The Agriculture and Forestry Committee ordered reported the following bills without amendment:
 - H. R. 10321, to authorize the exchange of lands within the Estes Park Administrative Site, Roosevelt National Forest, for lands of equal value outside the Forest;
 - H. R. 11253, to authorize the Secretary of Agriculture to exchange certain Forest Service lands and improvements with Redding, Calif.;
 - H. R. 12161, to provide for the establishment of townsites from national forest lands;
 - S. 3248, to authorize the Secretary of Agriculture to exchange lands comprising the Pleasant Grove Administrative Site, Uinta National Forest, with a Pleasant Grove, Utah, church;

TO AMEND THE COORDINATION ACT

JULY 16, 1958.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BONNER, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H. R. 13138]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H. R. 13138) to amend the act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

On page 1, line 3 and 4, after the word "That", delete the words "this Act may be cited as the 'Wildlife Coordination Act'." and insert in lieu thereof the following: "the Act of March 10, 1934, as amended, and as further amended by this Act, may be cited as the 'Fish and Wildlife Coordination Act'."

On page 5, line 7, after the words "on the date of enactment of the", insert the words "Fish and".

On page 5, line 13, after the words "of the", insert the words "Fish and".

On page 7, line 18, delete the word "consevation" and insert in lieu thereof the word "conservation".

On page 8, line 1, after the words "before or after the date of enactment of the", insert the words "Fish and".

On page 8, line 4, after the words "the date of enactment of the", insert the words "Fish and".

On page 12, line 15, after the word "SEC.", delete "2." and insert in lieu thereof "3."

On page 13, after line 24, add the following new section:

SEC. 4. There is authorized to be appropriated and expended such funds as may be necessary to carry out the purposes of this Act.

The purpose of the bill is to grant authority to construction agencies like the Bureau of Reclamation and the Corps of Engineers to cooperate with Fish and Wildlife Service in planning and constructing, as a part of Federal water-development projects, facilities necessary to protect fish and wildlife values. Construction of projects of the nature of Grand Coulee Dam and Bonneville Dam require considerable study and, in some cases, slight modification, to insure against the loss of a valuable fish or wildlife resource, in that case, the salmon.

At present, there is no requirement that Fish and Wildlife Service be consulted, with the result that at times the failure to secure information as to future projects has had an adverse effect on fish and wildlife values.

Studies conducted by the Service of the effect of a project on fish and wildlife values require time. Measures necessary to minimize the impact of such a project may entail changes in the overall plans. In the past, suggestions for such changes may have been made too late to permit of alteration with resultant adverse effects on fish and wildlife. Under this bill, Fish and Wildlife Service must be consulted and its plan, whether accepted or rejected by the constructing agency, must be submitted to the Congress for its consideration as a part of the authorizing legislation for each project.

To assure further protection to fish and wildlife, the bill amends the Watershed Protection and Flood Prevention Act administered under the Department of Agriculture. While leaving full control of the so-called small watershed program with that Department and the sponsoring organizations, the bill would extend the principle of coordination to it so that work under the program will include measures necessary to protect fish and wildlife values.

The governors of all 48 States have endorsed the objectives of the bill, and conservation organizations heard by the committee were unanimous in support. In addition, the Department of the Interior unqualifiedly supports the bill and the Department of Defense and the Department of Agriculture have stated that they have no objection to its enactment.

The committee unanimously recommends its enactment.

While no estimate of cost is possible, since the studies and plans will necessarily depend on the nature and location of individual future projects, the opinion was expressed by a witness for the Department of the Interior that the cost would be little above the amount presently being spent on the studies which have been made on water-development projects, but that the cost of such studies would be charged under the bill to Department of the Interior appropriations.

The bill was amended to authorize reference to it as the Fish and Wildlife Coordination Act to more accurately reflect its purposes and to authorize appropriations necessary to effectuate its purposes.

Departmental reports on H. R. 12371, which is on the same subject, follow.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., June 26, 1958.

HON. HERBERT C. BONNER,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.*

DEAR CONGRESSMAN BONNER: This is in reply to your letter of May 9, 1958, requesting a report by this Department on H. R. 12371, a

bill to amend the act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

The bill would amend the Coordination Act administered by the Department of the Interior and the Watershed Protection and Flood Prevention Act administered by the Department of Agriculture to further promote the conservation of wildlife, fish, and game resources.

The provisions of the bill, with some minor differences in wording and the omission of a section 3, to which we do not object, are the same as the provisions of the text recommended by the Secretary of the Interior on April 1, 1958, to the Committee on Merchant Marine and Fisheries as a substitute for H. R. 8631, and concurred in by this Department in its report dated May 2, 1958, to that committee in which it also outlined its strong objections to H. R. 8631 as introduced.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

DEPARTMENT OF THE ARMY,
Washington, D. C., June 26, 1958.

HON. HERBERT C. BONNER,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to H. R. 12371, 85th Congress, a bill to amend the act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

The Department of the Army by letter dated May 13, 1958, commented upon a previous bill with respect to the amendment of the act of Congress approved March 10, 1934, as amended by the act approved August 14, 1946, pertaining to the conservation of wildlife. Those comments indicated that this Department had no objection to the amendments proposed in H. R. 8631 if modified to make the bill consistent with certain proposals which were embodied in a substitute draft bill submitted with the letter of May 13, 1958. H. R. 12371 contains the specific modifications suggested in the letter from this Department, and accompanying substitute proposals. Accordingly the Department of the Army has no objection to the enactment of H. R. 12371.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTIONS 1 THROUGH 4, INCLUSIVE, OF AN ACT TO PROMOTE THE
CONSERVATION OF WILD LIFE, FISH, AND GAME, AND FOR OTHER
PURPOSES

(48 Stat. 401; 16 U. S. C., secs. 661 to 664, inclusive)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That in order to promote effectual planning, development, maintenance, and coordination of wildlife conservation and rehabilitation in the United States, its Territories and possessions, the Secretary of the Interior, through the Fish and Wildlife Service, is authorized (a) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting areas, and in carrying out other measures necessary to effectuate the purposes of this Act; and (b) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States.

[SEC. 2. Whenever the waters of any stream or other body of water are authorized to be impounded, diverted, or otherwise controlled for any purpose whatever by any department or agency of the United States, or by any public or private agency under Federal permit, such department or agency first shall consult with the Fish and Wildlife Service and the head of the agency exercising administration over the wildlife resources of the State wherein the impoundment, diversion, or other control facility is to be constructed with a view to preventing loss of and damage to wildlife resources, and the reports and recommendations of the Secretary of the Interior and of the head of the agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the Fish and Wildlife Service and by the said head of the agency exercising administration over the wildlife resources of the State, for the purpose of determining the possible damage to wildlife resources and of the means and measures that should be adopted to prevent loss of and damage to wildlife resources, shall be made an integral part of any report submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects.

[The cost of planning for and the construction or installation and maintenance of any such means and measures shall be included in and shall constitute an integral part of the costs of such projects: *Provided*, That, in the case of projects after August 14, 1946, authorized to be constructed, operated, and maintained in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388,

and Acts amendatory thereof or supplementary thereto), the Secretary of the Interior shall, in addition to allocations to be made under section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187), make findings on the part of the estimated cost of the project which can properly be allocated to the preservation and propagation of fish and wildlife, and costs allocated pursuant to such findings shall not be reimbursable. In the case of construction by a Federal agency, that agency is authorized to transfer, out of appropriations or other funds made available for surveying, engineering, or construction to the Fish and Wildlife Service, such funds as may be necessary to conduct the investigations required by this section to be made by it.

[SEC. 3. Whenever the waters of any stream or other body of water are impounded, diverted, or otherwise controlled for any purpose whatever by any department or agency of the United States, adequate provision consistent with the primary purposes of such impoundment, diversion, or other control shall be made for the use thereof, together with any areas of land, or interest therein, acquired or administered in connection therewith, for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon. In accordance with general plans, covering the use of such waters and other interests for these purposes, approved jointly by the head of the department or agency exercising primary administration thereof, the Secretary of the Interior, and the head of the agency exercising administration over the wildlife resources of the State wherein the waters and areas lie, such waters and other interests shall be made available without cost for administration (a) by such State agency, if the management thereof for the conservation of wildlife relates to other than migratory birds; (b) by the Secretary of the Interior, if the waters and other interests have particular value in carrying out the national migratory bird management program.]

[SEC. 4. Such areas as are made available to the Secretary of the Interior for the purposes of this Act under sections 1 and 3, or by any other law, proclamation, or Executive order, shall be administered directly or under cooperative agreements entered into pursuant to the provisions of section 1 by the Secretary of the Interior under such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as may be adopted by him in accordance with general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas: Provided, That such rules and regulations shall not be inconsistent with the laws for the protection of fish and game of the States in which such area is situated.]

For the purpose of recognizing the vital contribution of our wildlife resources to the Nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation for the purposes of this Act in the United States, its Territories and possessions, the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling

losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of this Act; (2) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (3) to accept donations of land and contributions of funds in furtherance of the purposes of this Act.

SEC. 2. (a) Except as hereafter stated in subsection (h) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.

(b) In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action, or otherwise, (1) to authorize the construction of water-resource development projects or (2) to approve a report on the modification or supplementation of plans for previously authorized projects, to which this Act applies. Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development, lands to be utilized or acquired for such purposes, the results expected, and shall describe the damage to wildlife attributable to the project and the measures proposed for mitigating or compensating for these damages. The reporting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations of the Secretary of the Interior and to any report of the State agency, on the wildlife aspects of such projects and the project plan shall include such justifiable means and measures for wildlife purposes as the reporting agency finds should be adopted to obtain maximum overall project benefits.

(c) Federal agencies authorized to construct or operate water-control projects are hereby authorized to modify or add to the structures and operations of such projects, the construction of which has not been substantially completed on the date of enactment of the Wildlife Coordination Act,

and to acquire lands in accordance with section 3 of this Act, in order to accommodate the means and measures for such conservation of wildlife resources as an integral part of such projects: Provided, That for projects authorized by a specific Act of Congress before the date of enactment of the Wildlife Coordination Act (1) such modification or land acquisition shall be compatible with the purposes for which the project was authorized; (2) the cost of such modifications or land acquisition, as means and measures to prevent loss of and damage to wildlife resources to the extent justifiable, shall be an integral part of the cost of such projects; and (3) the cost of such modifications or land acquisition for the development or improvement of wildlife resources may be included to the extent justifiable, and an appropriate share of the cost of any project may be allocated for this purpose with a finding as to the part of such allocated cost, if any, to be reimbursed by non-Federal interests.

(d) The cost of planning for and the construction or installation and maintenance of such means and measures adopted to carry out the conservation purposes of this section shall constitute an integral part of the cost of such projects: Provided, That such cost attributable to the development and improvement of wildlife shall not extend beyond those necessary for (1) land acquisition, (2) modification of the project, and (3) modification of project operations; but shall not include the operation of wildlife facilities nor the construction of such facilities beyond those herein described: And provided further, That, in the case of projects authorized to be constructed, operated, and maintained in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Secretary of the Interior, in addition to allocations made under section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187), shall make findings on the part of the estimated cost of the project which can properly be allocated to means and measures to prevent loss of and damage to wildlife resources, which costs shall not be reimbursable, and an appropriate share of the project costs may be allocated to development and improvement of wildlife resources, with a finding as to the part of such allocated costs, if any, to be reimbursed by non-Federal fish and wildlife agencies or interests.

(e) In the case of construction by a Federal agency, that agency is authorized to transfer to the United States Fish and Wildlife Service, out of appropriations or other funds made available for investigations, engineering, or construction, such funds as may be necessary to conduct all or part of the investigations required to carry out the purposes of this section.

(f) In addition to other requirements, there shall be included in any report submitted to Congress supporting a recommendation for authorization of any new project for the control or use of water as described herein (including any new division of such project or new supplemental works of such project) an estimation of the wildlife benefits or losses to be derived therefrom including benefits to be derived from measures recommended specifically for the development and improvement of wildlife resources, the cost of providing wildlife benefits (including the cost of additional facilities to be installed or lands to be acquired specifically for that particular phase of wildlife conservation relating to the development and improvement of wildlife), the part of the cost of joint-use facilities allocated to wildlife, and the part of such costs, if any, to be reimbursed by non-Federal interests.

(g) The provisions of this section shall be applicable with respect to any project for the control or use of water as prescribed herein, or any unit

of such project authorized before or after the date of enactment of the Wildlife Coordination Act for planning or construction, but shall not be applicable to any project or unit thereof authorized before the date of enactment of the Wildlife Coordination Act if the construction of the particular project or unit thereof has been substantially completed. A project or unit thereof shall be considered to be substantially completed when sixty percent or more of the estimated construction cost has been obligated for expenditure.

(h) The provisions of this Act shall not be applicable to those projects for the impoundment of water where the maximum surface area of such impoundments is less than ten acres, nor to activities for or in connection with programs primarily for land management and use carried out by Federal agencies with respect to Federal lands under their jurisdiction.

SEC. 3. (a) Subject to the exceptions prescribed in section 2 (h) of this Act, whenever the waters of any stream or other body of water are impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, adequate provision, consistent with the primary purposes of such impoundment, diversion, or other control, shall be made for the use thereof, together with any areas of land, water, or interests therein, acquired or administered by a Federal agency in connection therewith, for the conservation, maintenance, and management of wildlife resources thereof, and its habitat thereon, including the development and improvement of such wildlife resources pursuant to the provisions of section 2 of this Act.

(b) The use of such waters, land, or interests therein for wildlife conservation purposes shall be in accordance with general plans approved jointly (1) by the head of the particular department or agency exercising primary administration in each instance, (2) by the Secretary of the Interior, and (3) by the head of the agency exercising the administration of the wildlife resources of the particular State wherein the waters and areas lie. Such waters and other interests shall be made available, without cost for administration, by such State agency, if the management of the properties relate to the conservation of wildlife other than migratory birds, or by the Secretary of the Interior, for administration in such manner as he may deem advisable, where the particular properties have value in carrying out the national migratory bird management program: Provided, That nothing in this section shall be construed as affecting the authority of the Secretary of Agriculture to cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him.

(c) When consistent with the purposes of this Act and the reports and findings of the Secretary of the Interior prepared in accordance with section 2, land, waters, and interests therein may be acquired by Federal construction agencies for the wildlife conservation and development purposes of this Act in connection with a project as reasonably needed to preserve and assure for the public benefit the wildlife potentials of the particular project area: Provided, That before properties are acquired for this purpose, the probable extent of such acquisition shall be set forth, along with other data necessary for project authorization, in a report submitted to the Congress, or in the case of a project previously authorized, no such properties shall be acquired unless specifically authorized by Congress, if specific authority for such acquisition is recommended by the construction agency.

(d) *Properties acquired for the purposes of this section shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition;*

(e) *Federal lands acquired or withdrawn for Federal water-resource purposes and made available to the States or to the Secretary of the Interior for wildlife management purposes, shall be made available for such purposes in accordance with this Act, notwithstanding other provisions of law.*

(f) *Any lands acquired pursuant to this section by any Federal agency within the exterior boundaries of a national forest shall, upon acquisition, be added to and become national forest lands, and shall be administered as a part of the forest within which they are situated, subject to all laws applicable to lands acquired under the provisions of the Act of March 1, 1911 (36 Stat. 961), unless such lands are acquired to carry out the National Migratory Bird Management Program.*

SEC. 4. *Such areas as are made available to the Secretary of the Interior for the purposes of this Act, pursuant to sections 1 and 3 or pursuant to any other authorization, shall be administered by him directly or in accordance with cooperative agreements entered into pursuant to the provisions of the first section of this Act and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as may be adopted by the Secretary in accordance with general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas: Provided, That such rules and regulations shall not be inconsistent with the laws for the protection of fish and game of the States in which such area is situated (16 U. S. C., sec. 664): Provided further, That lands having value to the National Migratory Bird Management Program may, pursuant to general plans, be made available without cost directly to the State agency having control over wildlife resources, if it is jointly determined by the Secretary of the Interior and such State agency that this would be in the public interest: And provided further, That the Secretary of the Interior shall have the right to assume the management and administration of such lands in behalf of the National Migratory Bird Management Program if the Secretary finds that the State agency has withdrawn from or otherwise relinquished such management and administration.*

WATERSHED PROTECTION AND FLOOD PREVENTION ACT (PUBLIC LAW 566, 83D CONG.; 68 STAT. 666), AS AMENDED BY THE ACT OF AUGUST 7, 1956 (PUBLIC LAW 1018, 84TH CONG.; 70 STAT. 1088) (16 U. S. C., SECS. 1001-1007)

AN ACT To authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; and that it is the sense of Congress that the Federal Government should cooperate with States and their

political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages and of furthering the conservation, development, utilization, and disposal of water and thereby of preserving and protecting the Nation's land and water resources.

SEC. 2. For the purposes of this Act, the following terms shall mean:

The "Secretary"—the Secretary of Agriculture of the United States.

"Works of improvement"—any undertaking for—

(1) flood prevention (including structural and land treatment measures) or

(2) the conservation, development, utilization, and disposal of water

in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than five thousand acre-feet of floodwater detention capacity, and more than twenty-five thousand acre-feet of total capacity. No appropriation shall be made for any plan involving an estimated Federal contribution to construction costs in excess of \$250,000, or which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the appropriate committees of the Senate and House of Representatives: *Provided*, That in the case of any plan involving no single structure providing more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and in the case of any plan involving any single structure of more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Public Works of the Senate and the Committee on Public Works of the House of Representatives, respectively. A number of such subwatersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.

"Local organization"—any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement.

SEC. 3. In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized, upon application of local organizations if such application has been submitted to, and not disapproved within forty-five days by, the State agency having supervisory responsibility over programs provided for in this Act, or by the Governor if there is no State agency having such responsibility—

(1) to conduct such investigations and surveys as may be necessary to prepare plans for works of improvement;

(2) to prepare plans and estimates required for adequate engineering evaluation;

(3) to make allocations of costs to the various purposes to show the basis of such allocations and to determine whether benefits exceed costs;

(4) to cooperate and enter into agreements with and to furnish financial and other assistance to local organizations: *Provided*,

That, for the land treatment measures, the Federal assistance shall not exceed the rate of assistance for similar practices under existing national programs;

(5) to obtain the cooperation and assistance of other Federal agencies in carrying out the purposes of this section.

SEC. 4. The Secretary shall require as a condition to providing Federal assistance for the installation of works of improvement that local organizations shall—

(1) acquire without cost to the Federal Government such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with Federal assistance;

(2) assume (A) such proportionate share, as is determined by the Secretary to be equitable in consideration of the direct identifiable benefits, of the costs of installing any works of improvement, involving Federal assistance, which is applicable to the agricultural phases of the conservation, development, utilization, and disposal of water, and (B) all of the cost of installing any portion of such works applicable to other purposes except that any part of the construction cost (including engineering costs) applicable to flood prevention and features relating thereto shall be borne by the Federal Government and paid for by the Secretary out of funds appropriated for the purposes of this Act;

(3) make arrangements satisfactory to the Secretary for defraying costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture;

(4) acquire, or provide assurance that landowners or water users have acquired, such water rights, pursuant to State law, as may be needed in the installation and operation of the work of improvement;

(5) obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the lands situated in the drainage area above each retention reservoir to be installed with Federal assistance; and

(6) submit a plan of repayment satisfactory to the Secretary for any loan or advancement made under the provisions of section 8.

SEC. 5. At such time as the Secretary and the interested local organization have agreed on a plan for works of improvement, and the Secretary has determined that the benefits exceed the costs, and the local organization has met the requirements for participation in carrying out the works of improvement as set forth in section 4, the local organization with such assistance as it may request from the Secretary, which assistance the Secretary is hereby authorized to give, shall secure engineering and other services, including the design, preparation of contracts and specifications, awarding of contracts, and supervision of construction, in connection with such works of improvement, and in order to properly carry out such services in such projects as to such structures therein providing for municipal or industrial water supplies, the local organization shall, and in such projects not providing for municipal or industrial water supplies, the local organization may, retain or employ a professional engineer or engineers satisfactory to the Secretary, and the Secretary shall reimburse the local organization for the cost it may incur for the services of such

engineer or engineers as is properly chargeable to such works of improvement, except that if the local organization decides not to retain or employ a professional engineer or if the Secretary determines that competent engineering services are not available he may contract for a competent engineer to provide such services or arrange for employees of the Federal Government to provide such services: *Provided*, That at the request of the local organization which retains or employs a professional engineer or engineers as aforesaid, the Secretary may advance such amounts as may be necessary to pay for such services, but such advances with respect to any works of improvement shall not exceed 5 per centum of the estimated total cost of such works: *Provided further*, That, except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure unless there is no local organization authorized by State law to undertake such construction or to enter into such contract, and in no event after July 1, 1956: *Provided*, That in participating in the installation of such works of improvement the Secretary, as far as practicable and consistent with his responsibilities for administering the overall national agricultural program, shall utilize the authority conferred upon him by the provisions of this Act: *Provided further*, That whenever the estimated Federal contribution to the construction cost of works of improvement in any watershed or subwatershed area shall exceed \$250,000 or the works of improvement include any structure having a total capacity in excess of twenty-five hundred acre-feet, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President: *Provided further*, That any such plan involving an estimated Federal contribution to construction costs in excess of \$250,000 or containing any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes reclamation or irrigation works or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, or (b) which includes Federal assistance for floodwater detention structures, shall be submitted to the Secretary of the Interior or the Secretary of the Army, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, and the Secretary of the Army, if received by the Secretary of Agriculture prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary of Agriculture to the Congress through the President: *Provided further*, That, prior to any Federal participation in the works of improvement under this Act, the President shall issue such rules and regulations as he deems necessary or desirable to carry out the purposes of this Act, and to assure the coordination of the work authorized under this Act and related work of other agencies including the Department of the Interior and the Department of the Army.

SEC. 6. The Secretary is authorized in cooperation with other Federal and with States and local agencies to make investigations and surveys of the watersheds of rivers and other waterways as a basis for the development of coordinated programs. In areas where the programs of the Secretary of Agriculture may affect public or other lands under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior is authorized to cooperate with the Secretary of

Agriculture in the planning and development of works or programs for such lands.

SEC. 7. The provisions of the Act of June 22, 1936 (49 Stat. 1570), as amended and supplemented, conferring authority upon the Department of Agriculture under the direction of the Secretary of Agriculture to make preliminary examinations and surveys and to prosecute works of improvement for runoff and waterflow retardation and soil erosion prevention on the watersheds of rivers and other waterways are hereby repealed: *Provided*, That (a) the authority of that Department of Agriculture, under the direction of the Secretary, to prosecute the works of improvement for runoff and waterflow retardation and soil erosion prevention authorized to be carried out by the Department by the Act of December 22, 1944 (58 Stat. 887), as amended, and (b) the authority of the Secretary of Agriculture to undertake emergency measures for runoff retardation and soil erosion prevention authorized to be carried out by section 7 of the Act of June 28, 1938 (52 Stat. 1215), as amended by section 216 of the Act of May 17, 1950 (64 Stat. 163), shall not be affected by the provisions of this section.

SEC. 8. The Secretary is authorized to make loans or advancements to local organizations to finance the local share of costs of carrying out works of improvement provided for in this Act. Such loans or advancements shall be made under contracts or agreements which will provide, under such terms and conditions as the Secretary deems appropriate, for the repayment thereof in not more than fifty years from the date when the principal benefits of the works of improvement first become available, with interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which the loan or advancement is made, which are neither due nor callable for redemption for fifteen years from date of issue. With respect to any single plan for works of improvement, the amount of any such loan or advancement shall not exceed five million dollars.

SEC. 9. The provisions of this Act shall be applicable to Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, such sums to remain available until expended.

SEC. 11. This Act may be cited as the "Watershed Protection and Flood Prevention Act".

SEC. 12. *When the Secretary approves the furnishing of assistance to a local organization in preparing a plan for works of improvement as provided for in section 3:*

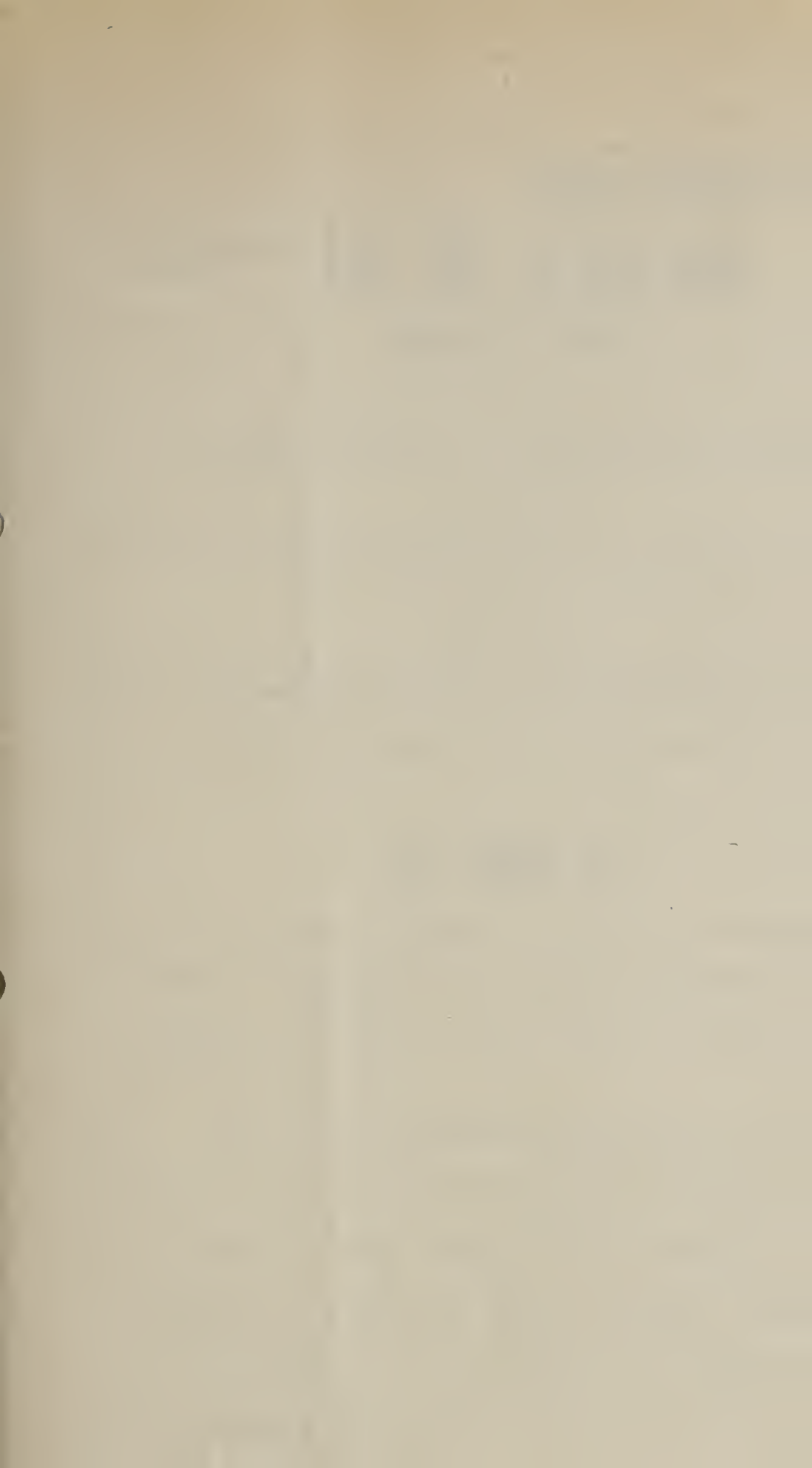
(1) *The Secretary shall so notify the Secretary of the Interior in order that the latter, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement that is acceptable to the local organization and the Secretary of Agriculture.*

(2) *Full consideration shall be given to the recommendations contained in any such report of the Secretary of the Interior as he may submit to the Secretary of Agriculture prior to the time the local organization and*

the Secretary of Agriculture have agreed on a plan for works of improvement. The plan shall include such of the technically and economically feasible works of improvement for wildlife purposes recommended in the report by the Secretary of the Interior as are acceptable to, and agreed to by, the local organization and the Secretary of Agriculture, and such report of the Secretary of the Interior shall, if requested by the Secretary of the Interior, accompany the plan for works of improvement when it is submitted to the Secretary of Agriculture for approval or transmitted to the Congress through the President.

(3) The cost of making surveys and investigations and of preparing reports concerning the conservation and development of wildlife resources shall be borne by the Secretary of the Interior out of funds appropriated to his Department.





85TH CONGRESS
2D SESSION

H. R. 13138

[Report No. 2183]

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1958

Mr. BOYKIN introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

JULY 16, 1958

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That ~~this Act may be cited as the "Wildlife Coordination~~
4 ~~Act"~~ *the Act of March 10, 1934, as amended, and as further*
5 *amended by this Act may be cited as the "Fish and Wildlife*
6 *Coordination Act".*

7 SEC. 2. The first four sections of the Act entitled "An
8 Act to promote the conservation of wildlife, fish, and game,
9 and for other purposes", approved March 10, 1934 (16

1 U. S. C., secs. 661–664, inclusive) are amended to read as
2 follows:

3 “For the purpose of recognizing the vital contribution
4 of our wildlife resources to the Nation, the increasing public
5 interest and significance thereof due to expansion of our na-
6 tional economy and other factors, and to provide that wildlife
7 conservation shall receive equal consideration and be coor-
8 dinated with other features of water-resource development
9 programs through the effectual and harmonious planning,
10 development, maintenance, and coordination of wildlife con-
11 servation and rehabilitation for the purposes of this Act in
12 the United States, its Territories and possessions, the Secre-
13 tary of the Interior is authorized (1) to provide assistance
14 to, and cooperate with, Federal, State, and public or private
15 agencies and organizations in the development, protection,
16 rearing, and stocking of all species of wildlife, resources
17 thereof, and their habitat, in controlling losses of the same
18 from disease or other causes, in minimizing damages from
19 overabundant species, in providing public shooting and fish-
20 ing areas, including easements across public lands for access
21 thereto, and in carrying out other measures necessary to ef-
22 fectuate the purposes of this Act; (2) to make surveys and
23 investigations of the wildlife of the public domain, including
24 lands and waters or interests therein acquired or controlled
25 by any agency of the United States; and (3) to accept dona-

1 tions of land and contributions of funds in furtherance of the
2 purposes of this Act.

3 “SEC. 2. (a) Except as hereafter stated in subsection
4 (h) of this section, whenever the waters of any stream or
5 other body of water are proposed or authorized to be im-
6 pounded, diverted, the channel deepened, or the stream or
7 other body of water otherwise controlled or modified for any
8 purpose whatever, including navigation and drainage, by
9 any department or agency of the United States, or by any
10 public or private agency under Federal permit or license,
11 such department or agency first shall consult with the United
12 States Fish and Wildlife Service, Department of the In-
13 terior, and with the head of the agency exercising adminis-
14 tration over the wildlife resources of the particular State
15 wherein the impoundment, diversion, or other control
16 facility is to be constructed, with a view to the conservation
17 of wildlife resources by preventing loss of and damage to
18 such resources as well as providing for the development
19 and improvement thereof in connection with such water-
20 resource development.

21 “(b) In furtherance of such purposes, the reports and
22 recommendations of the Secretary of the Interior on the wild-
23 life aspects of such projects, and any report of the head of the
24 State agency exercising administration over the wildlife re-
25 sources of the State, based on surveys and investigations con-

1 ducted by the United States Fish and Wildlife Service and
2 such State agency for the purpose of determining the possi-
3 ble damage to wildlife resources and for the purpose of deter-
4 mining means and measures that should be adopted to prevent
5 the loss of or damage to such wildlife resources, as well as to
6 provide concurrently for the development and improvement
7 of such resources, shall be made an integral part of any report
8 prepared or submitted by any agency of the Federal Gov-
9 ernment responsible for engineering surveys and construction
10 of such projects when such reports are presented to the Con-
11 gress or to any agency or person having the authority or the
12 power, by administrative action or otherwise, (1) to au-
13 thorize the construction of water-resource development proj-
14 ects or (2) to approve a report on the modification or sup-
15 plementation of plans for previously authorized projects, to
16 which this Act applies. Recommendations of the Secretary
17 of the Interior shall be as specific as is practicable with re-
18 spect to features recommended for wildlife conservation and
19 development, lands to be utilized or acquired for such pur-
20 poses, the results expected, and shall describe the damage to
21 wildlife attributable to the project and the measures proposed
22 for mitigating or compensating for these damages. The re-
23 porting officers in project reports of the Federal agencies
24 shall give full consideration to the report and recommenda-

1 tions of the Secretary of the Interior and to any report of the
2 State agency on the wildlife aspects of such projects, and the
3 project plan shall include such justifiable means and meas-
4 ures for wildlife purposes as the reporting agency finds should
5 be adopted to obtain maximum overall project benefits.

6 “(c) Federal agencies authorized to construct or operate
7 water-control projects are hereby authorized to modify or
8 add to the structures and operations of such projects, the
9 construction of which has not been substantially completed
10 on the date of enactment of the *Fish and Wildlife Coordina-*
11 *tion Act*, and to acquire lands in accordance with section 3
12 of this Act, in order to accommodate the means and measures
13 for such conservation of wildlife resources as an integral part
14 of such projects: *Provided*, That for projects authorized by
15 a specific Act of Congress before the date of enactment of
16 the *Fish and Wildlife Coordination Act* (1) such modifica-
17 tion or land acquisition shall be compatible with the purposes
18 for which the project was authorized; (2) the cost of such
19 modifications or land acquisition, as means and measures to
20 prevent loss of and damage to wildlife resources to the extent
21 justifiable, shall be an integral part of the cost of such
22 projects; and (3) the cost of such modifications or land
23 acquisition for the development or improvement of wildlife
24 resources may be included to the extent justifiable, and an

1 appropriate share of the cost of any project may be allocated
2 for this purpose with a finding as to the part of such allocated
3 cost, if any, to be reimbursed by non-Federal interests.

4 “(d) The cost of planning for and the construction or
5 installation and maintenance of such means and measures
6 adopted to carry out the conservation purposes of this sec-
7 tion shall constitute an integral part of the cost of such
8 projects: *Provided*, That such cost attributable to the de-
9 velopment and improvement of wildlife shall not extend
10 beyond those necessary for (1) land acquisition, (2) modi-
11 fication of the project, and (3) modification of project
12 operations; but shall not include the operation of wildlife
13 facilities nor the construction of such facilities beyond those
14 herein described: *And provided further*, That, in the case
15 of projects authorized to be constructed, operated, and main-
16 tained in accordance with the Federal reclamation laws
17 (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory
18 thereof or supplementary thereto), the Secretary of the
19 Interior, in addition to allocations made under section 9 of
20 the Reclamation Project Act of 1939 (53 Stat. 1187),
21 shall make findings on the part of the estimated cost of the
22 project which can properly be allocated to means and
23 measures to prevent loss of and damage to wildlife resources,
24 which costs shall not be reimbursable, and an appropriate

1 share of the project costs may be allocated to development
2 and improvement of wildlife resources, with a finding as to
3 the part of such allocated costs, if any, to be reimbursed by
4 non-Federal fish and wildlife agencies or interests.

5 “(e) In the case of construction by a Federal agency,
6 that agency is authorized to transfer to the United States
7 Fish and Wildlife Service, out of appropriations or other
8 funds made available for investigations, engineering, or con-
9 struction, such funds as may be necessary to conduct all or
10 part of the investigations required to carry out the purposes
11 of this section.

12 “(f) In addition to other requirements, there shall be
13 included in any report submitted to Congress supporting a
14 recommendation for authorization of any new project for the
15 control or use of water as described herein (including any
16 new division of such project or new supplemental works
17 on such project) an estimation of the wildlife benefits or
18 losses to be derived therefrom including benefits to be derived
19 from measures recommended specifically for the development
20 and improvement of wildlife resources, the cost of providing
21 wildlife benefits (including the cost of additional facilities
22 to be installed or lands to be acquired specifically for that
23 particular phase of wildlife ~~conservation~~ *conservation* relating
24 to the development and improvement of wildlife), the part

1 of the cost of joint-use facilities allocated to wildlife, and the
2 part of such costs, if any, to be reimbursed by non-Federal
3 interests.

4 “(g) The provisions of this section shall be applicable
5 with respect to any project for the control or use of water
6 as prescribed herein, or any unit of such project authorized
7 before or after the date of enactment of the *Fish and Wild-*
8 *life* Coordination Act for planning or construction, but shall
9 not be applicable to any project or unit thereof authorized
10 before the date of enactment of the *Fish and Wildlife Coordi-*
11 *nation* Act if the construction of the particular project or unit
12 thereof has been substantially completed. A project or unit
13 thereof shall be considered to be substantially completed
14 when sixty percent or more of the estimated construction
15 cost has been obligated for expenditure.

16 “(h) The provisions of this Act shall not be applicable
17 to those projects for the impoundment of water where the
18 maximum surface area of such impoundments is less than
19 ten acres, nor to activities for or in connection with pro-
20 grams primarily for land management and use carried out
21 by Federal agencies with respect to Federal lands under their
22 jurisdiction.

23 “SEC. 3. (a) Subject to the exceptions prescribed in
24 section 2 (h) of this Act, whenever the waters of any
25 stream or other body of water are impounded, diverted,

1 the channel deepened, or the stream or other body of water
2 otherwise controlled or modified for any purpose whatever,
3 including navigation and drainage, by any department or
4 agency of the United States, adequate provision, consistent
5 with the primary purposes of such impoundment, diversion,
6 or other control, shall be made for the use thereof, together
7 with any areas of land, water, or interests therein, acquired
8 or administered by a Federal agency in connection there-
9 with, for the conservation, maintenance, and management
10 of wildlife resources thereof, and its habitat thereon, includ-
11 ing the development and improvement of such wildlife
12 resources pursuant to the provisions of section 2 of this
13 Act.

14 “ (b) The use of such waters, land, or interests therein
15 for wildlife conservation purposes shall be in accordance with
16 general plans approved jointly (1) by the head of the par-
17 ticular department or agency exercising primary administra-
18 tion in each instance, (2) by the Secretary of the Interior,
19 and (3) by the head of the agency exercising the administra-
20 tion of the wildlife resources of the particular State wherein
21 the waters and areas lie. Such waters and other interests
22 shall be made available, without cost for administration, by
23 such State agency, if the management of the properties relate
24 to the conservation of wildlife other than migratory birds,
25 or by the Secretary of the Interior, for administration in such

1 manner as he may deem advisable, where the particular
2 properties have value in carrying out the national migratory
3 bird management program: *Provided*, That nothing in this
4 section shall be construed as affecting the authority of the
5 Secretary of Agriculture to cooperate with the States or in
6 making lands available to the States with respect to the
7 management of wildlife and wildlife habitat on lands ad-
8 ministered by him.

9 “(c) When consistent with the purposes of this Act and
10 the reports and findings of the Secretary of the Interior pre-
11 pared in accordance with section 2, land, waters, and in-
12 terests therein may be acquired by Federal construction
13 agencies for the wildlife conservation and development pur-
14 poses of this Act in connection with a project as reasonably
15 needed to preserve and assure for the public benefit the wild-
16 life potentials of the particular project area: *Provided*, That
17 before properties are acquired for this purpose, the probable
18 extent of such acquisition shall be set forth, along with other
19 data necessary for project authorization, in a report sub-
20 mitted to the Congress, or in the case of a project previously
21 authorized, no such properties shall be acquired unless spe-
22 cifically authorized by Congress, if specific authority for such
23 acquisition is recommended by the construction agency.

24 “(d) Properties acquired for the purposes of this sec-
25 tion shall continue to be used for such purposes, and shall

1 not become the subject of exchange or other transactions if
2 such exchange or other transaction would defeat the initial
3 purpose of their acquisition;

4 “(e) Federal lands acquired or withdrawn for Federal
5 water-resource purposes and made available to the States or
6 to the Secretary of the Interior for wildlife management
7 purposes, shall be made available for such purposes in
8 accordance with this Act, notwithstanding other provisions
9 of law.

10 “(f) Any lands acquired pursuant to this section by any
11 Federal agency within the exterior boundaries of a national
12 forest shall, upon acquisition, be added to and become
13 national forest lands, and shall be administered as a part
14 of the forest within which they are situated, subject to all
15 laws applicable to lands acquired under the provisions of
16 the Act of March 1, 1911 (36 Stat. 961), unless such lands
17 are acquired to carry out the National Migratory Bird Man-
18 agement Program.

19 “SEC. 4. Such areas as are made available to the Secre-
20 tary of the Interior for the purposes of this Act, pursuant to
21 sections 1 and 3 or pursuant to any other authorization, shall
22 be administered by him directly or in accordance with co-
23 operative agreements entered into pursuant to the provisions
24 of the first section of this Act and in accordance with such
25 rules and regulations for the conservation, maintenance, and

1 management of wildlife, resources thereof, and its habitat
2 thereon, as may be adopted by the Secretary in accordance
3 with general plans approved jointly by the Secretary of
4 the Interior and the head of the department or agency exer-
5 cising primary administration of such areas: *Provided*, That
6 such rules and regulations shall not be inconsistent with the
7 laws for the protection of fish and game of the States in
8 which such area is situated (16 U. S. C., sec. 664) : *Pro-*
9 *vided further*, That lands having value to the National
10 Migratory Bird Management Program may, pursuant to
11 general plans, be made available without cost directly to the
12 State agency having control over wildlife resources, if it is
13 jointly determined by the Secretary of the Interior and such
14 State agency that this would be in the public interest: *And*
15 *provided further*, That the Secretary of the Interior shall have
16 the right to assume the management and administration of
17 such lands in behalf of the National Migratory Bird Man-
18 agement Program if the Secretary finds that the State
19 agency has withdrawn from or otherwise relinquished such
20 management and administration.”

21 SEC. 3. The Watershed Protection and Flood Preven-
22 tion Act, as amended (16 U. S. C., secs. 1001–1007, in-
23 clusive), is amended by adding at the end thereof the
24 following new section:

25 “SEC. 12. When the Secretary approves the furnish-

1 ing of assistance to a local organization in preparing a plan
2 for works of improvement as provided for in section 3:

3 “(1) The Secretary shall so notify the Secretary of the
4 Interior in order that the latter, as he desires, may make
5 surveys and investigations and prepare a report with recom-
6 mendations concerning the conservation and development of
7 wildlife resources and participate, under arrangements satis-
8 factory to the Secretary of Agriculture, in the preparation
9 of a plan for works of improvement that is acceptable to the
10 local organization and the Secretary of Agriculture.

11 “(2) Full consideration shall be given to the recom-
12 mendations contained in any such report of the Secretary
13 of the Interior as he may submit to the Secretary of Agri-
14 culture prior to the time the local organization and the
15 Secretary of Agriculture have agreed on a plan for works
16 of improvement. The plan shall include such of the tech-
17 nically and economically feasible works of improvement for
18 wildlife purposes recommended in the report by the Secre-
19 tary of the Interior as are acceptable to, and agreed to by,
20 the local organization and the Secretary of Agriculture, and
21 such report of the Secretary of the Interior shall, if re-
22 quested by the Secretary of the Interior, accompany the plan
23 for works of improvement when it is submitted to the Secre-
24 tary of Agriculture for approval or transmitted to the Con-
25 gress through the President.

1 “(3) The cost of making surveys and investigations
2 and of preparing reports concerning the conservation and
3 development of wildlife resources shall be borne by the
4 Secretary of the Interior out of funds appropriated to his
5 Department.”

6 *SEC. 4. There is authorized to be appropriated and ex-*
7 *pended such funds as may be necessary to carry out the pur-*
8 *poses of this Act.*

85TH CONGRESS
2d Session

H. R. 13138

[Report No. 2183]

A BILL

To amend the Act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

By Mr. BOYKIN

JUNE 25, 1958

Referred to the Committee on Merchant Marine and Fisheries

JULY 16, 1958

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

July 21, 1958

14. LEGISLATIVE PROGRAM. Sen. Johnson announced that he expected to bring up the Senate farm bill later in the week, "after the policy committee has cleared it." He further stated that the Defense and foreign aid appropriations bills would be considered next week, and that after certain D. C. bills the Senate would consider S. Res. 264, favoring the establishment of an International Development Ass'n, and H. R. 7576, amending the Federal Civil Defense Act. p. 13112

HOUSE

15. SURPLUS COMMODITIES; FOREIGN TRADE. Debated and noted, 152 to 24, to pass S. 3420, to amend and extend Public Law 480. Rep. Griffiths objected to the vote on the ground that a quorum was not present. At the request of Rep. McCormack, further consideration of the bill was then postponed until Wed., July 23. pp. 13173-197
16. COTTON ALLOTMENTS. Passed without amendment H. R. 12531, to permit the allocation from acreage of extra long staple cotton for the production of extra long staple cotton seed. pp. 13172-73
17. SEED MARKETING. Passed without amendment S. 1939, to make various amendments to the Federal Seed Act regarding labeling requirements. This bill will now be sent to the President. pp. 13167-68
18. FOOT-AND-MOUTH DISEASE. Passed without amendment S. 3076, to authorize the transportation in the U. S. of live foot-and-mouth disease virus for research purposes. This bill will now be sent to the President. p. 13162
19. HOG CHOLERA. Passed without amendment S. 3478, to insure the maintenance of an adequate supply of anti-hog-cholera serum and hog-cholera virus. This bill will now be sent to the President. p. 13163
20. FORESTRY. The Interior and Insular Affairs Committee ordered reported with amendment S. 3051, to provide alternatives of either private or Federal acquisition of the Klamath Indian lands which are to be sold under the Termination Act. p. D710
Passed without amendment H. R. 6542, to authorize the conveyance of certain forest lands to the town of Dayton, Wyo. p. 13162
The Speaker appointed as House members of the National Outdoor Recreation Resources Review Commission, pursuant to Public Law 85-470, Reps. Pfof, Ullman, Saylor, and Rhodes. p. 13247
21. TOBACCO. Passed without amendment H. R. 12840, to provide a single acreage allotment for Va. sun-cured and Va. fire-cured tobaccos if farmers vote approval in a referendum. pp. 13162-63
22. APPROPRIATIONS. Received the conference report on H. R. 11574, the independent offices appropriation bill for 1959 (H. Rept. 2237). As reported the bill deletes \$100,000 proposed by the Senate for farm-housing research. pp. 13155-58
Received the conference report on H. R. 13121, to authorize appropriations for the Atomic Energy Commission (H. Rept. 2236). pp. 13243-45
23. AGRICULTURE HALL OF FAME. Passed as reported H. Con. Res. 295, endorsing plans of a non-government group to establish a Hall of Fame for Agriculture. p. 13165

24. FISH AND WILDLIFE. ~~Passed as reported S. 2447, to authorize studies by Interior of the effects of insecticides, herbicides, fungicides and other pesticides upon fish and wildlife. p. 13169~~
~~Passed as reported S. 2617, to authorize the purchase by the Secretary of the Interior of wetlands and small areas for migratory stamps. pp. 13169-70~~
Passed as reported H. R. 13138, to amend the Coordination Act so as to provide more effective integration of fish and wildlife conservation programs with Federal water development programs. pp. 13170-72
25. LANDS. Passed as reported H. R. 11800, to authorize the Secretary to sell a tract of land and buildings thereon under the jurisdiction of ARS to Clifton, N. J. p. 13172
26. SMALL BUSINESS. Passed under suspension of the rules H. R. 13282, the proposed Small Business Tax Revision Act of 1959. pp. 13197-211
27. INFORMATION; LIBRARIES. Passed under suspension of the rules H. R. 13140, to provide for distribution of additional types of Government publications to depository libraries and to provide for designation of additional depository libraries. pp. 13226-28
28. PERSONNEL AWARDS. Debated under suspension of the rules H. R. 488, to provide for the conferring of an award to be known as the Medal for Distinguished Civilian Achievement. At the request of Rep. McCormack further consideration of the bill was postponed until Wed., July 23. pp. 13229-35
29. TRANSPORTATION. A subcommittee of the Merchant Marine and Fisheries Committee ordered reported with amendment H. R. 8382, to provide for the licensing of independent foreign freight forwarders. p. D711
30. MINING CLAIMS. The Interior and Insular Affairs Committee ordered reported with amendment S. 3199, to specify the period for doing annual assessment work on unpatented mineral claims. p. D710
31. COMMITTEE ASSIGNMENTS. Rep. Kilgore resigned from the Public Works Committee and was elected to the Interstate and Foreign Commerce Committee; and Rep. Young, Tex., resigned from the Post Office and Civil Service Committee and was elected to the Public Works Committee. pp. 13242-43
32. WATERSHEDS. Received from the Budget Bureau plans for works of improvement for the lower Willow Creek watershed, Mont., Whitegrass-Waterhole Creek watershed, Okla., and Little Schuylkill River watershed, Pa.; to Public Works Committee. p. 13255

ITEMS IN APPENDIX

33. ELECTRIFICATION. Extension of remarks of Sen. Neuberger inserting an editorial endorsing the proposed establishment of a Regional Power Corporation in the Columbia River Basin. pp. A6493-4
34. FARM PROGRAM. Extension of remarks of Rep. McGregor stating that "...the time has arrived that we recognize the serious predicament in which the farmer finds himself. It is time that we give some consideration to the rotation crop farmer." pp. A6496-8
35. LIVESTOCK. Sen. Jackson inserted two editorials criticizing the delay and failure by the Senate in not passing the humane slaughter bill which has been passed by the House. p. A6499

ship in a reserve component, Army National Guard, or Air National Guard.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 6 (c) (2) of the Universal Military Training and Service Act (62 Stat. 610), as amended (50 U. S. C. App. 456 (c) (2)), is amended by adding the following new clause after clause (E):

"(F) A person who, under any provision of law, is exempt or deferred from training and service under this act by reason of membership in a reserve component, the Army National Guard, or the Air National Guard, as the case may be, shall, if he becomes a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, continue to be exempt or deferred to the same extent as if he had not become a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, so long as he continues to serve satisfactorily."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING RESEARCH ON INSECTICIDES

The Clerk called the bill (S. 2447) to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands, and other lands can be sprayed with minimum losses of fish and wildlife.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to undertake comprehensive continuing studies on the effects of insecticides, herbicides, fungicides and pesticides, upon the fish and wildlife resources of the United States, for the purpose of determining the amounts, percentages, and formulations of such chemicals that are lethal to or injurious to fish and wildlife and the amounts, percentages, mixtures, or formulations that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting, or other treatment.

With the following committee amendment:

On page 2, after line 8, add another section, reading as follows:

"Sec. 2. The sum of \$280,000 per annum is hereby authorized to be appropriated to carry out the objectives of this act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MIGRATORY BIRD HUNTING STAMPS

The Clerk called the bill (S. 2617) to amend the Migratory Bird Hunting

Stamp Act of March 16, 1934, as amended.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, reserving the right to object, I wish to ask a few questions of the chairman of the committee or someone in charge of this bill. I notice from the report that over the years \$54 million have been collected under the stamp act. It was supposed to be used for the preservation of wildfowl, and so forth, the acquisition of refuges, but only 13.7 percent of that money has been spent for that purpose. I do not know where the money has gone.

There is a provision in this bill which if it stays in the bill raising the cost of the hunting stamp which originally was \$1 but which is now at \$2. This provision would raise it to \$3. I would like to know where the money is being diverted and for what purposes, and how in any sense of the word it can be considered fair to the poor boy on the farm who wants to shoot a duck or two. Even if he hunts on his own premises he cannot shoot even one duck unless he takes out a stamp. It is proposed to raise the fee from \$2 to \$3. Probably the next bill will raise it to \$5 and then to \$10. What is the reason? Is it to keep the poor farm boy from hunting? Is it to allow only those to hunt who can afford to pay the high fee? What is the theory behind it? What has the money been used for and what is it going to be used for?

Certainly it seems to be unfair to the poor farm boy who wants to go out and shoot maybe one duck on his own land. What justice is there in making the fee so high that only those who can afford to pay the price will be permitted to hunt?

Mr. DINGELL. Mr. Speaker, I reserve the right to object for the purpose of answering the gentleman.

Mr. CUNNINGHAM of Iowa. I have already reserved the right to object. I yield to the gentleman.

Mr. DINGELL. I might say to the gentleman that the very point he raises is the reason for the bill before us. If the gentleman reads the report and the bill he will find that the bill is vitally necessary to halt the abuses the gentleman discusses. It absolutely earmarks the revenue derived from the sale of duck stamps for the acquisition of wildlife refuges and waterfowl habitat.

As the gentleman has pointed out only 13.7 percent of the revenue from the sale of duck stamps has been spent for the purchase of refuge sites, the balance has been diverted.

Mr. CUNNINGHAM of Iowa. That is my point. Why raise it from \$2 to \$3?

Mr. DINGELL. Let me assure the gentleman there will be no more dribbling off of the proceeds from the sale of the duck stamps if this bill is passed.

This bill is supported by the national conservation associations. All agencies of the Government, and all State game and fish commissions approve the bill. This bill absolutely prohibits dribbling this money off and commands and compels it to be spent for the purpose of land acquisition.

By the year 1975, if the present land use in the United States continues, all available waterfowl habitats will have vanished within the borders of the United States with the exception of such lands as are used for Federal and State refuges. This earmarks the proceeds of the duck stamps absolutely.

Mr. CUNNINGHAM of Iowa. I am glad to know that, but I wonder why we have to punish the lad of a few years, the lad in his teens, who maybe wants to shoot one duck a year. Why should we punish him and then not use the money for the purposes for which it is intended?

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM of Iowa. I yield.

Mr. GROSS. There is no question but what some of this money has been diverted in the past, and it has been a disgrace that the money was diverted from the purposes for which it was intended. This bill is designed to cure that situation. Unless the Federal Government moves in and acquires necessary land there will not be migratory waterfowl for the farm boy and others to shoot pretty soon.

Mr. CUNNINGHAM of Iowa. Does the gentleman think there should be an increase in the price of the duck stamps?

Mr. GROSS. Very reluctantly I go along with the increase in the license fee. It can be justified only for the particular and specific purpose of developing wildlife refuges and habitats to propagate migratory waterfowl.

Mr. CUNNINGHAM of Iowa. May I ask the gentleman one more question?

Mr. DINGELL. Certainly.

Mr. CUNNINGHAM of Iowa. Does the gentleman feel that there is sufficient wording in this bill and sufficient information in the report that the money will not be diverted in the future?

Mr. DINGELL. I can offer the gentleman that assurance and I do give him that assurance absolutely. I personally put in the report clear language which would make absolutely plain the intent of Congress that this money be not diverted. I offer the gentleman the further assurance that I will continue to watch the expenditure of these duck stamp funds so there will be no diverting. I offer the further assurance to the gentleman that we have two fine Members of this Congress who are members of the Migratory Bird Commission which has the responsibility of watching this operation, I refer to the gentleman from Pennsylvania [Mr. GAVIN] who is a duck hunter, an able sincere Member of this House and a good conservationist, and the other is the very capable gentleman from Missouri [Mr. KARSTEN]. Both of these fine men have been most interested and extremely helpful in getting action on this bill.

Mr. CUNNINGHAM of Iowa. The people who can afford the \$3 instead of the \$2 are the ones who will benefit by it. I am thinking of the poor man who needs to hunt.

Mr. DINGELL. Let me say to the gentleman one other thing. This opens up to 40 percent of any refuge instead of 25 percent. It will open substantially

more shooting grounds in the United States. Instead of purchasing hunting lands at the rate of about \$1 million a year we will be spending about \$6½ million to buy these same lands for nesting purposes and also for hunting purposes for the kind of folks the gentleman speaks about. Unless this bill passes there will not be any ducks to shoot in the foreseeable future.

Mr. CUNNINGHAM of Iowa. Mr. speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended (48 Stat. 451, 16 U. S. C. 718b), is amended by striking out "\$2" and inserting in lieu thereof "\$3."

Sec. 2. Subsections (a) and (b) of section 4 of such act (16 U. S. C. 718d) are amended to read as follows:

"(a) So much as may be necessary shall be used by the Secretary of the Interior to make advance allotments to the Post Office Department at such times and in such amounts as may be mutually agreed upon by the Secretary of the Interior and the Postmaster General for direct expenditure by the Post Office Department for engraving, printing, issuing, selling, and accounting for migratory bird hunting stamps and moneys received from the sale thereof, in addition to expenses for personal services in the District of Columbia and elsewhere, and such other expenses as may be necessary in executing the duties and functions required of the postal service.

"(b) Except as authorized in subsection (c) of this section, the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provision of the Migratory Bird Conservation Act and for the administrative costs incurred in the acquisition of such areas: *Provided*, That not to exceed 40 percent at any one time of any area which heretofore has been or which hereafter may be acquired, reserved, or set apart for the use of the Department of the Interior as an inviolate sanctuary for migratory birds under any law, proclamation, or Executive order may be administered by the Secretary of the Interior, in his discretion, as a wildlife management area within which the taking of migratory game birds may be permitted under such regulations as he may prescribe: *Provided further*, That notwithstanding the fact that such lands constitute public property, the Secretary of the Interior shall comply with the requirements of section 4 of the Administrative Procedure Act (60 Stat. 238) in issuing regulations pursuant to the preceding proviso."

Sec. 3. Section 4 of such act is further amended by adding at the end thereof a new subsection as follows:

"(c) The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection, to acquire, or defray the expenses incident to the acquisition by gift, devise, lease, purchase, or exchange of, small wetland and pothole areas, interests therein, and rights-of-way to provide access thereto. Such small areas, to be designated as 'Waterfowl Production Areas,' may be acquired without regard to the limitations and requirements of the Migratory Bird Conservation Act, but all of the provisions of such act which govern the administration and protection of lands acquired thereunder, except the inviolate sanc-

tuary provisions of such act, shall be applicable to areas acquired pursuant to this subsection."

SEC. 4. The amendment made by the first section of this act shall become effective on July 1, 1959. The amendment made by section 2 of this act making available the net proceeds of all moneys received in the migratory bird conservation fund for the location, ascertainment, and acquisition of waterfowl production areas and suitable areas for migratory bird refuges shall become effective on July 1, 1960. The remaining amendments made by this act shall become effective on the date of the enactment of this act. Any unobligated balance remaining in the migratory bird conservation fund on June 30, 1960, shall thereafter be available for expenditure only for the purposes specified in the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended by this act.

With the following committee amendment:

On page 2, line 23, after the word "birds" insert "or resident species."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

(Mr. JOHNSON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. JOHNSON. Mr. Speaker, I am greatly pleased to have the opportunity today to speak in support of an amendment to the Duck Stamp Act, in the form of S. 2617, which will provide real substance to the efforts of conservationists and sportsmen to provide waterfowl refuges and management areas for migratory birds.

I share the interest of my colleague from Iowa who just noted that the increased cost of the duck stamp might keep some farm boys from hunting. In fact I was so concerned over just that issue that I conducted a survey last year among duck hunters in my district. Since the Ninth District of Wisconsin is heavily agricultural in nature it goes without saying that a large number of the hunters surveyed are farm residents. It can be said to their credit, I believe, that they voted overwhelmingly in favor of spending another dollar or even two for guaranteed waterfowl refuge acquisition. It should be pointed out that the cost of the stamp at \$3 is still less than many hunters pay for a box of shells. The clinching argument in favor of this bill is that duck hunters ought to have ducks to fire at and if we do not begin setting aside refuges the farm boys will not have much duck hunting at any price.

In my poll I asked them if they would accept an increase in the duck stamp fee if funds were specifically earmarked for refuge acquisition. Seventy-seven percent of the hunters said they would accept an increase if they could be assured the funds would actually go to that worthy purpose. I then introduced legislation to earmark duck stamp revenues. The measure under consideration today so admirably fulfills the intent of my legislation that I support it without hesitation and urge all fairminded Members of Congress to fulfill a longstanding obligation to sportsmen to live up to the

intent of the original legislation and begin acquiring refuges for our waterfowl before it is too late.

During the 84th Congress I presented a report to the Congress on May 27, 1955, as to what was actually happening to money duck hunters provided through fees for hunting stamps. I made a detailed study of the progress of migratory bird legislation culminating in the passage in 1934 of the Federal Migratory Bird Hunting Stamp Act. Some excellent advances were made under that act but after 1940 it became clear that more and more money provided by sportsmen for refuge acquisition was actually going for administrative and operational costs. The sportsmen even came to Congress with a request that the duck stamp price be increased from \$1 to \$2 so that the original purpose could be met. The fee increased but their money largely continued to be used for purposes other than what they had intended.

In my 1955 report I said:

Raising the price of duck stamps is not the answer to this problem, unless we specifically write into law a provision to earmark funds for the purpose of acquiring waterfowl refuges.

This, I am very happy to say, has been done in the law under consideration today.

I understand that the Senate bill has been amended to provide for payment of expenses to the Post Office Department for the stamps themselves. I hope that this does not mean we are letting the camel get his nose in the tent and that a loophole has been provided for additional raids upon funds obtained in a worthwhile cause. Post Office charges in connection with this act quadrupled from 1953 to 1954 and I certainly hope we will not find history repeating itself in that regard.

At the time I made my report I called for earmarking funds for acquisition of wildlife refuges. I am very pleased that administrative objections to this procedure were overcome this year and this legislation was brought to the floor.

AMENDING THE COORDINATION ACT

The Clerk called the bill (H. R. 13138) to amend the act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the "Wildlife Coordination Act."

SEC. 2. The first four sections of the act entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes," approved March 10, 1934 (16 U. S. C., secs. 661-664, inclusive) are amended to read as follows:

"For the purpose of recognizing the vital contribution of our wildlife resources to the Nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual

and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation for the purposes of this act in the United States, its Territories and possessions, the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of this act; (2) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (3) to accept donations of land and contributions of funds in furtherance of the purposes of this act.

"SEC. 2. (a) Except as hereafter stated in subsection (h) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.

"(b) In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action or otherwise, (1) to authorize the construction of water-resource development projects or (2) to approve a report on the modification or supplementation of plans for previously authorized projects, to which this act applies. Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development, lands to be utilized or acquired for such purposes, the results expected, and shall describe the damage to wildlife attributable to the project and the measures proposed for mitigating or compensating for these damages. The reporting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations of the Secre-

tary of the Interior and to any report of the State agency on the wildlife aspects of such projects, and the project plan shall include such justifiable means and measures for wildlife purposes as the reporting agency finds should be adopted to obtain maximum overall project benefits.

"(c) Federal agencies authorized to construct or operate water-control projects are hereby authorized to modify or add to the structures and operations of such projects, the construction of which has not been substantially completed on the date of enactment of the Wildlife Coordination Act, and to acquire lands in accordance with section 3 of this act, in order to accommodate the means and measures for such conservation of wildlife resources as an integral part of such projects: *Provided*, That for projects authorized by a specific act of Congress before the date of enactment of the Wildlife Coordination Act (1) such modification or land acquisition shall be compatible with the purposes for which the project was authorized; (2) the cost of such modifications or land acquisition, as means and measures to prevent loss of and damage to wildlife resources to the extent justifiable, shall be an integral part of the cost of such projects; and (3) the cost of such modifications or land acquisition for the development or improvement of wildlife resources may be included to the extent justifiable, and an appropriate share of the cost of any project may be allocated for this purpose with a finding as to the part of such allocated cost, if any, to be reimbursed by non-Federal interests.

"(d) The cost of planning for and the construction or installation and maintenance of such means and measures adopted to carry out the conservation purposes of this section shall constitute an integral part of the cost of such projects: *Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond those necessary for (1) land acquisition, (2) modification of the project, and (3) modification of project operations; but shall not include the operation of wildlife facilities nor the construction of such facilities beyond those herein described: *And provided further*, That, in the case of projects authorized to be constructed, operated, and maintained in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 338, and acts amendatory thereof or supplementary thereto), the Secretary of the Interior, in addition to allocations made under section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187), shall make findings on the part of the estimated cost of the project which can properly be allocated to means and measures to prevent loss of and damage to wildlife resources, which costs shall not be reimbursable, and an appropriate share of the project costs may be allocated to development and improvement of wildlife resources, with a finding as to the part of such allocated costs, if any, to be reimbursed by non-Federal fish and wildlife agencies or interests.

"(e) In the case of construction by a Federal agency, that agency is authorized to transfer to the United States Fish and Wildlife Service, out of appropriations or other funds made available for investigations, engineering, or construction, such funds as may be necessary to conduct all or part of the investigations required to carry out the purposes of this section.

"(f) In addition to other requirements, there shall be included in any report submitted to Congress supporting a recommendation for authorization of any new project for the control or use of water as described herein (including any new division or such project or new supplemental works on such project) an estimation of the wildlife benefits or losses to be derived therefrom including benefits to be derived from

measures recommended specifically for the development and improvement of wildlife resources, the cost of providing wildlife benefits (including the cost of additional facilities to be installed or lands to be acquired specifically for that particular phase of wildlife conservation relating to the development and improvement of wildlife), the part of the cost of joint-use facilities allocated to wildlife, and the part of such costs, if any, to be reimbursed by non-Federal interests.

"(g) The provisions of this section shall be applicable with respect to any project for the control or use of water as prescribed herein, or any unit of such project authorized before or after the date of enactment of the Wildlife Coordination Act for planning or construction, but shall not be applicable to any project or unit thereof authorized before the date of enactment of the Wildlife Coordination Act if the construction of the particular project or unit thereof has been substantially completed. A project or unit thereof shall be considered to be substantially completed when 60 percent or more of the estimated construction cost has been obligated for expenditure.

"(h) The provisions of this act shall not be applicable to those projects for the impoundment of water where the maximum surface area of such impoundments is less than 10 acres, nor to activities for or in connection with programs primarily for land management and use carried out by Federal agencies with respect to Federal lands under their jurisdiction.

"SEC. 3. (a) Subject to the exceptions prescribed in section 2 (h) of this act, whenever the waters of any stream or other body of water are impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, adequate provision, consistent with the primary purposes of such impoundment, diversion, or other control, shall be made for the use thereof, together with any areas of land, water, or interests therein, acquired or administered by a Federal agency in connection therewith, for the conservation, maintenance, and management of wildlife resources thereof, and its habitat thereon, including the development and improvement of such wildlife resources pursuant to the provisions of section 2 of this act.

"(b) The use of such waters, land, or interests therein for wildlife conservation purposes shall be in accordance with general plans approved jointly (1) by the head of the particular department or agency exercising primary administration in each instance, (2) by the Secretary of the Interior, and (3) by the head of the agency exercising the administration of the wildlife resources of the particular State wherein the waters and areas lie. Such waters and other interests shall be made available, without cost for administration, by such State agency, if the management of the properties relate to the conservation of wildlife other than migratory birds, or by the Secretary of the Interior, for administration in such manner as he may deem advisable, where the particular properties have value in carrying out the national migratory bird management program: *Provided*, That nothing in this section shall be construed as affecting the authority of the Secretary of Agriculture to cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him.

"(c) When consistent with the purposes of this act and the reports and findings of the Secretary of the Interior prepared in accordance with section 2, land, waters, and interests therein may be acquired by Federal

construction agencies for the wildlife conservation and development purposes of this act in connection with a project as reasonably needed to preserve and assure for the public benefit the wildlife potentials of the particular project area: *Provided*, That before properties are acquired for this purpose, the probable extent of such acquisition shall be set forth, along with other data necessary for project authorization, in a report submitted to the Congress, or in the case of a project previously authorized, no such properties shall be acquired unless specifically authorized by Congress, if specific authority for such acquisition is recommended by the construction agency.

"(d) Properties acquired for the purposes of this section shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition.

"(e) Federal lands acquired or withdrawn for Federal water-resource purposes and made available to the States or to the Secretary of the Interior for wildlife management purposes, shall be made available for such purposes in accordance with this act, notwithstanding other provisions of law.

"(f) Any lands acquired pursuant to this section by any Federal agency within the exterior boundaries of a national forest shall, upon acquisition, be added to and become national forest lands, and shall be administered as a part of the forest within which they are situated, subject to all laws applicable to lands acquired under the provisions of the act of March 1, 1911 (36 Stat. 961), unless such lands are acquired to carry out the National Migratory Bird Management Program.

"Sec. 4. Such areas as are made available to the Secretary of the Interior for the purposes of this act, pursuant to sections 1 and 3 or pursuant to any other authorization, shall be administered by him directly or in accordance with cooperative agreements entered into pursuant to the provisions of the first section of this act and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as may be adopted by the Secretary in accordance with general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas: *Provided*, That such rules and regulations shall not be inconsistent with the laws for the protection of fish and game of the States in which such area is situated (16 U. S. C., sec. 664): *Provided further*, That lands having value to the National Migratory Bird Management Program may, pursuant to general plans, be made available without cost directly to the State agency having control over wildlife resources, if it is jointly determined by the Secretary of the Interior and such State agency that this would be in the public interest: *And provided further*, That the Secretary of the Interior shall have the right to assume the management and administration of such lands in behalf of the National Migratory Bird Management Program if the Secretary finds that the State agency has withdrawn from or otherwise relinquished such management and administration."

Sec. 2. The Watershed Protection and Flood Prevention Act, as amended (16 U. S. C., secs. 1001-1007, inclusive), is amended by adding at the end thereof the following new section:

"Sec. 12. When the Secretary approves the furnishing of assistance to a local organization in preparing a plan for works of improvement as provided for in section 3:

"(1) The Secretary shall so notify the Secretary of the Interior in order that the latter, as he desires, may make surveys and investigations and prepare a report with rec-

ommendations concerning the conservation and development of wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement that is acceptable to the local organization and the Secretary of Agriculture.

"(2) Full consideration shall be given to the recommendations contained in any such report of the Secretary of the Interior as he may submit to the Secretary of Agriculture prior to the time the local organization and the Secretary of Agriculture have agreed on a plan for works of improvement. The plan shall include such of the technically and economically feasible works of improvement for wildlife purposes recommended in the report by the Secretary of the Interior as are acceptable to, and agreed to by, the local organization and the Secretary of Agriculture, and such report of the Secretary of the Interior shall, if requested by the Secretary of the Interior, accompany the plan for works of improvement when it is submitted to the Secretary of Agriculture for approval or transmitted to the Congress through the President.

"(3) The cost of making surveys and investigations and of preparing reports concerning the conservation and development of wildlife resources shall be borne by the Secretary of the Interior out of funds appropriated to his Department."

With the following committee amendments:

On page 1, line 3 and 4, after the word "That", delete the words "this act may be cited as the 'Wildlife Coordination Act'." and insert in lieu thereof the following: "the act of March 10, 1934, as amended, and as further amended by this act, may be cited as the 'Fish and Wildlife Coordination Act'."

On page 5, line 7, after the words "on the date of enactment of the", insert the words "Fish and."

On page 5, line 13, after the words "of the", insert the words "Fish and."

On page 7, line 18, delete the word "conservation" and insert in lieu thereof the word "conservation."

On page 8, line 1, after the words "before or after the date of enactment of the", insert the words "Fish and."

On page 8, line 4, after the words "the date of enactment of the", insert the words "Fish and."

On page 12, line 15, after the word "Sec.", delete "2." and insert in lieu thereof "3."

On page 13, after line 24, add the following new section:

"Sec. 4. There is authorized to be appropriated and expended such funds as may be necessary to carry out the purposes of this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAND CONVEYANCE TO CITY OF CLIFTON, N. J.

The Clerk called the bill (H. R. 11800) to authorize the Secretary of Agriculture to convey a certain parcel of land and buildings thereon to the city of Clifton, N. J.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to convey by quitclaim deed to the city of Clifton, N. J., all of the rights, title, and interest of the United States in and to 7 acres, more or less, of the land of the United

States Animal Quarantine Station, Clifton, N. J., more particularly described as a parcel of land comprising the westerly portion of the United States Animal Quarantine Station, Clifton, N. J., lying along the southerly side of Colfax Avenue, together with all buildings, facilities, and improvements thereon, upon payment by said city of 75 percent of the appraised fair market value of such land, buildings, facilities, and improvements as determined by the Secretary of Agriculture: *Provided*, That in addition the city of Clifton shall deposit at time of conveyance \$30,000 to the Treasury of the United States into a special account for the use of the Secretary of Agriculture in making alterations of buildings, facilities, and improvements situated upon the remaining portion of said quarantine station. The conveyance hereunder shall be subject to the reservations, conditions, and restrictions contained in this act. The cost of any survey required in connection with the conveyance of this property shall be at the expense of the city of Clifton.

Sec. 2. Said quitclaim deed shall also contain a reservation to the United States of all gas, oil, coal and all source materials essential to the production of fissionable material and all other mineral deposits and the right to the use of the land for extracting and removing same.

Sec. 3. The city of Clifton shall, prior to the actual use of the tract of land conveyed to such city by the first section of this act and prior to the alteration or removal of any fences now upon such tract of land, provide a suitable fence on the boundary line between such parcel of land and the remaining land of the United States animal quarantine station. If the city of Clifton fails to provide such fence prior to the actual use of such tract of land and prior to the alteration or removal of the existing fences, all the right, title, and interest in and to the land conveyed by the first section of this act shall revert to, and become the property of, the United States, which shall have the immediate right of entry thereon.

With the following committee amendment:

On page 3, line 4, after the word "fences" insert "of if the city of Clifton uses or conveys any part of such land for other than public purposes."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LONG-STAPLE COTTONSEED

The Clerk called the bill (H. R. 12531) to amend the Agricultural Adjustment Act of 1938, as amended, to permit the State committee to allocate from the acreage of extra long staple cotton reserved under section 344 (e) of the act an amount not to exceed 1½ percent of the State acreage allotment to farms for the production of high quality extra long staple cotton seed and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 347 of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof a new subsection (f) reading as follows:

"(f) Notwithstanding any other provision of this act, the State committee may allocate from the acreage of extra long staple cotton reserved by the State committee pursuant to section 344 (e) of this act an amount not to exceed 1½ percent of the State acreage

85TH CONGRESS
2D SESSION

H. R. 13138

IN THE SENATE OF THE UNITED STATES

JULY 22, 1958

Read twice and referred to the Committee on Interstate and Foreign Commerce

AN ACT

To amend the Act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Act of March 10, 1934, as amended, and as further
4 amended by this Act may be cited as the "Fish and Wildlife
5 Coordination Act".

6 SEC. 2. The first four sections of the Act entitled "An
7 Act to promote the conservation of wildlife, fish, and game,
8 and for other purposes", approved March 10, 1934 (16

1 U. S. C., secs. 661–664, inclusive) are amended to read as
2 follows:

3 “For the purpose of recognizing the vital contribution
4 of our wildlife resources to the Nation, the increasing public
5 interest and significance thereof due to expansion of our na-
6 tional economy and other factors, and to provide that wildlife
7 conservation shall receive equal consideration and be coor-
8 dinated with other features of water-resource development
9 programs through the effectual and harmonious planning,
10 development, maintenance, and coordination of wildlife con-
11 servation and rehabilitation for the purposes of this Act in
12 the United States, its Territories and possessions, the Secre-
13 tary of the Interior is authorized (1) to provide assistance
14 to, and cooperate with, Federal, State, and public or private
15 agencies and organizations in the development, protection,
16 rearing, and stocking of all species of wildlife, resources
17 thereof, and their habitat, in controlling losses of the same
18 from disease or other causes, in minimizing damages from
19 overabundant species, in providing public shooting and fish-
20 ing areas, including easements across public lands for access
21 thereto, and in carrying out other measures necessary to ef-
22 fectuate the purposes of this Act; (2) to make surveys and
23 investigations of the wildlife of the public domain, including
24 lands and waters or interests therein acquired or controlled
25 by any agency of the United States; and (3) to accept dona-

1 tions of land and contributions of funds in furtherance of the
2 purposes of this Act.

3 “SEC. 2. (a) Except as hereafter stated in subsection
4 (h) of this section, whenever the waters of any stream or
5 other body of water are proposed or authorized to be im-
6 pounded, diverted, the channel deepened, or the stream or
7 other body of water otherwise controlled or modified for any
8 purpose whatever, including navigation and drainage, by
9 any department or agency of the United States, or by any
10 public or private agency under Federal permit or license,
11 such department or agency first shall consult with the United
12 States Fish and Wildlife Service, Department of the In-
13 terior, and with the head of the agency exercising adminis-
14 tration over the wildlife resources of the particular State
15 wherein the impoundment, diversion, or other control
16 facility is to be constructed, with a view to the conservation
17 of wildlife resources by preventing loss of and damage to
18 such resources as well as providing for the development
19 and improvement thereof in connection with such water-
20 resource development.

21 “(b) In furtherance of such purposes, the reports and
22 recommendations of the Secretary of the Interior on the wild-
23 life aspects of such projects, and any report of the head of the
24 State agency exercising administration over the wildlife re-
25 sources of the State, based on surveys and investigations con-

1 ducted by the United States Fish and Wildlife Service and
2 such State agency for the purpose of determining the possi-
3 ble damage to wildlife resources and for the purposes of deter-
4 mining means and measures that should be adopted to prevent
5 the loss of or damage to such wildlife resources, as well as to
6 provide concurrently for the development and improvement
7 of such resources, shall be made an integral part of any report
8 prepared or submitted by any agency of the Federal Gov-
9 ernment responsible for engineering surveys and construction
10 of such projects when such reports are presented to the Con-
11 gress or to any agency or person having the authority or the
12 power, by administrative action, or otherwise, (1) to au-
13 thorize the construction of water-resource development proj-
14 ects or (2) to approve a report on the modification or sup-
15 plementation of plans for previously authorized projects, to
16 which this Act applies. Recommendations of the Secretary
17 of the Interior shall be as specific as is practicable with re-
18 spect to features recommended for wildlife conservation and
19 development, lands to be utilized or acquired for such pur-
20 poses, the results expected, and shall describe the damage to
21 wildlife attributable to the project and the measures proposed
22 for mitigating or compensating for these damages. The re-
23 porting officers in project reports of the Federal agencies
24 shall give full consideration to the report and recommenda-

1 tions of the Secretary of the Interior and to any report of the
2 State agency on the wildlife aspects of such projects, and the
3 project plan shall include such justifiable means and meas-
4 ures for wildlife purposes as the reporting agency finds should
5 be adopted to obtain maximum overall project benefits.

6 “(c) Federal agencies authorized to construct or operate
7 water-control projects are hereby authorized to modify or
8 add to the structures and operations of such projects, the
9 construction of which has not been substantially completed
10 on the date of enactment of the Fish and Wildlife Coordina-
11 tion Act, and to acquire lands in accordance with section 3
12 of this Act, in order to accommodate the means and measures
13 for such conservation of wildlife resources as an integral part
14 of such projects: *Provided*, That for projects authorized by
15 a specific Act of Congress before the date of enactment of
16 the Fish and Wildlife Coordination Act (1) such modifica-
17 tion or land acquisition shall be compatible with the purposes
18 for which the project was authorized; (2) the cost of such
19 modifications or land acquisition, as means and measures to
20 prevent loss of and damage to wildlife resources to the extent
21 justifiable, shall be an integral part of the cost of such
22 projects; and (3) the cost of such modifications or land
23 acquisition for the development or improvement of wildlife
24 resources may be included to the extent justifiable, and an

1 appropriate share of the cost of any project may be allocated
2 for this purpose with a finding as to the part of such allocated
3 cost, if any, to be reimbursed by non-Federal interests.

4 “(d) The cost of planning for and the construction or
5 installation and maintenance of such means and measures
6 adopted to carry out the conservation purposes of this sec-
7 tion shall constitute an integral part of the cost of such
8 projects: *Provided*, That such cost attributable to the de-
9 velopment and improvement of wildlife shall not extend
10 beyond those necessary for (1) land acquisition, (2) modi-
11 fication of the project, and (3) modification of project
12 operations; but shall not include the operation of wildlife
13 facilities nor the construction of such facilities beyond those
14 herein described: *And provided further*, That, in the case
15 of projects authorized to be constructed, operated, and main-
16 tained in accordance with the Federal reclamation laws
17 (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory
18 thereof or supplementary thereto), the Secretary of the
19 Interior, in addition to allocations made under section 9 of
20 the Reclamation Project Act of 1939 (53 Stat. 1187),
21 shall make findings on the part of the estimated cost of the
22 project which can properly be allocated to means and
23 measures to prevent loss of and damage to wildlife resources,
24 which costs shall not be reimbursable, and an appropriate

1 share of the project costs may be allocated to development
2 and improvement of wildlife resources, with a finding as to
3 the part of such allocated costs, if any, to be reimbursed by
4 non-Federal fish and wildlife agencies or interests.

5 “(e) In the case of construction by a Federal agency,
6 that agency is authorized to transfer to the United States
7 Fish and Wildlife Service, out of appropriations or other
8 funds made available for investigations, engineering, or con-
9 struction, such funds as may be necessary to conduct all or
10 part of the investigations required to carry out the purposes
11 of this section.

12 “(f) In addition to other requirements, there shall be
13 included in any report submitted to Congress supporting a
14 recommendation for authorization of any new project for the
15 control or use of water as described herein (including any
16 new division of such project or new supplemental works
17 on such project) an estimation of the wildlife benefits or
18 losses to be derived therefrom including benefits to be derived
19 from measures recommended specifically for the development
20 and improvement of wildlife resources, the cost of providing
21 wildlife benefits (including the cost of additional facilities
22 to be installed or lands to be acquired specifically for that
23 particular phase of wildlife conservation relating to the
24 development and improvement of wildlife), the part of the

1 cost of joint-use facilities allocated to wildlife, and the part
2 of such costs, if any, to be reimbursed by non-Federal
3 interests.

4 “(g) The provisions of this section shall be applicable
5 with respect to any project for the control or use of water
6 as prescribed herein, or any unit of such project authorized
7 before or after the date of enactment of the Fish and Wild-
8 life Coordination Act for planning or construction, but shall
9 not be applicable to any project or unit thereof authorized
10 before the date of enactment of the Fish and Wildlife Coordi-
11 nation Act if the construction of the particular project or unit
12 thereof has been substantially completed. A project or unit
13 thereof shall be considered to be substantially completed
14 when sixty percent or more of the estimated construction
15 cost has been obligated for expenditure.

16 “(h) The provisions of this Act shall not be applicable
17 to those projects for the impoundment of water where the
18 maximum surface area of such impoundments is less than
19 ten acres, nor to activities for or in connection with pro-
20 grams primarily for land management and use carried out
21 by Federal agencies with respect to Federal lands under their
22 jurisdiction.

23 “SEC. 3. (a) Subject to the exceptions prescribed in
24 section 2 (h) of this Act, whenever the waters of any
25 stream or other body of water are impounded, diverted,

1 the channel deepened, or the stream or other body of water
2 otherwise controlled or modified for any purpose whatever,
3 including navigation and drainage, by any department or
4 agency of the United States, adequate provision, consistent
5 with the primary purposes of such impoundment, diversion,
6 or other control, shall be made for the use thereof, together
7 with any areas of land, water, or interests therein, acquired
8 or administered by a Federal agency in connection there-
9 with, for the conservation, maintenance, and management
10 of wildlife resources thereof, and its habitat thereon, includ-
11 ing the development and improvement of such wildlife
12 resources pursuant to the provisions of section 2 of this
13 Act.

14 “(b) The use of such waters, land, or interests therein
15 for wildlife conservation purposes shall be in accordance with
16 general plans approved jointly (1) by the head of the par-
17 ticular department or agency exercising primary administra-
18 tion in each instance, (2) by the Secretary of the Interior,
19 and (3) by the head of the agency exercising the administra-
20 tion of the wildlife resources of the particular State wherein
21 the waters and areas lie. Such waters and other interests
22 shall be made available, without cost for administration, by
23 such State agency, if the management of the properties relate
24 to the conservation of wildlife other than migratory birds,
25 or by the Secretary of the Interior, for administration in such

1 manner as he may deem advisable, where the particular
2 properties have value in carrying out the national migratory
3 bird management program: *Provided*, That nothing in this
4 section shall be construed as affecting the authority of the
5 Secretary of Agriculture to cooperate with the States or in
6 making lands available to the States with respect to the
7 management of wildlife and wildlife habitat on lands ad-
8 ministered by him.

9 “(c) When consistent with the purposes of this Act and
10 the reports and findings of the Secretary of the Interior pre-
11 pared in accordance with section 2, land, waters, and in-
12 terests therein may be acquired by Federal construction
13 agencies for the wildlife conservation and development pur-
14 poses of this Act in connection with a project as reasonably
15 needed to preserve and assure for the public benefit the wild-
16 life potentials of the particular project area: *Provided*, That
17 before properties are acquired for this purpose, the probable
18 extent of such acquisition shall be set forth, along with other
19 data necessary for project authorization, in a report sub-
20 mitted to the Congress, or in the case of a project previously
21 authorized, no such properties shall be acquired unless spe-
22 cifically authorized by Congress, if specific authority for such
23 acquisition is recommended by the construction agency.

24 “(d) Properties acquired for the purposes of this sec-
25 tion shall continue to be used for such purposes, and shall

1 not become the subject of exchange or other transactions if
2 such exchange or other transaction would defeat the initial
3 purpose of their acquisition.

4 “(e) Federal lands acquired or withdrawn for Federal
5 water-resource purposes and made available to the States or
6 to the Secretary of the Interior for wildlife management
7 purposes, shall be made available for such purposes in
8 accordance with this Act, notwithstanding other provisions
9 of law.

10 “(f) Any lands acquired pursuant to this section by any
11 Federal agency within the exterior boundaries of a national
12 forest shall, upon acquisition, be added to and become
13 national forest lands, and shall be administered as a part
14 of the forest within which they are situated, subject to all
15 laws applicable to lands acquired under the provisions of
16 the Act of March 1, 1911 (36 Stat. 961), unless such lands
17 are acquired to carry out the National Migratory Bird Man-
18 agement Program.

19 “SEC. 4. Such areas as are made available to the Secre-
20 tary of the Interior for the purposes of this Act, pursuant to
21 sections 1 and 3 or pursuant to any other authorization, shall
22 be administered by him directly or in accordance with co-
23 operative agreements entered into pursuant to the provisions
24 of the first section of this Act and in accordance with such
25 rules and regulations for the conservation, maintenance, and

1 management of wildlife, resources thereof, and its habitat
2 thereon, as may be adopted by the Secretary in accordance
3 with general plans approved jointly by the Secretary of
4 the Interior and the head of the department or agency exer-
5 cising primary administration of such areas: *Provided*, That
6 such rules and regulations shall not be inconsistent with the
7 laws for the protection of fish and game of the States in
8 which such area is situated (16 U. S. C., sec. 664): *Pro-*
9 *vided further*, That lands having value to the National
10 Migratory Bird Management Program may, pursuant to
11 general plans, be made available without cost directly to the
12 State agency having control over wildlife resources, if it is
13 jointly determined by the Secretary of the Interior and such
14 State agency that this would be in the public interest: *And*
15 *provided further*, That the Secretary of the Interior shall have
16 the right to assume the management and administration of
17 such lands in behalf of the National Migratory Bird Man-
18 agement Program if the Secretary finds that the State
19 agency has withdrawn from or otherwise relinquished such
20 management and administration.”

21 SEC. 3. The Watershed Protection and Flood Preven-
22 tion Act, as amended (16 U. S. C., secs. 1001–1007, in-
23 clusive), is amended by adding at the end thereof the
24 following new section:

25 “SEC. 12. When the Secretary approves the furnish-

1 ing of assistance to a local organization in preparing a plan
2 for works of improvement as provided for in section 3:

3 “(1) The Secretary shall so notify the Secretary of the
4 Interior in order that the latter, as he desires, may make
5 surveys and investigations and prepare a report with recom-
6 mendations concerning the conservation and development of
7 wildlife resources and participate, under arrangements satis-
8 factory to the Secretary of Agriculture, in the preparation
9 of a plan for works of improvement that is acceptable to the
10 local organization and the Secretary of Agriculture.

11 “(2) Full consideration shall be given to the recom-
12 mendations contained in any such report of the Secretary
13 of the Interior as he may submit to the Secretary of Agri-
14 culture prior to the time the local organization and the
15 Secretary of Agriculture have agreed on a plan for works
16 of improvement. The plan shall include such of the tech-
17 nically and economically feasible works of improvement for
18 wildlife purposes recommended in the report by the Secre-
19 tary of the Interior as are acceptable to, and agreed to by,
20 the local organization and the Secretary of Agriculture, and
21 such report of the Secretary of the Interior shall, if re-
22 quested by the Secretary of the Interior, accompany the plan
23 for works of improvement when it is submitted to the Secre-
24 tary of Agriculture for approval or transmitted to the Con-
25 gress through the President.

1 “(3) The cost of making surveys and investigations
2 and of preparing reports concerning the conservation and
3 development of wildlife resources shall be borne by the
4 Secretary of the Interior out of funds appropriated to his
5 Department.”

6 SEC. 4. There is authorized to be appropriated and ex-
7 pended such funds as may be necessary to carry out the pur-
8 poses of this Act.

Passed the House of Representatives July 21, 1958.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To amend the Act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

JULY 22, 1958

Read twice and referred to the Committee on
Interstate and Foreign Commerce

July 23, 1958

The Interstate and Foreign Commerce Committee ordered reported without amendment H. R. 13138, to amend the Coordination Act so as to provide more effective integration of fish and wildlife conservation programs with Federal water development programs. p. D723

15. FISHERIES. The Daily Digest reported that the Interstate and Foreign Commerce Committee "tentatively approved with amendment S. 2973, to authorize the establishment of a Fishery Extension Service in the Department of the Interior." p. D723
16. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments the following bills:
 - S. 3448, to permit the Secretary of the Interior to fix the size of farm units on the Seedskaadee reclamation project at more than 160 acres in certain circumstances (S. Rept. 1906). p. 13447
 - H. R. 8645, to amend the Reclamation Project Act regarding the repayment of contracts on reclamation projects (S. Rept. 1907). p. 13447
17. WATER UTILIZATION. The Judiciary Committee reported with amendment S. 1416, granting the consent of Congress to a Great Lakes Basin Compact (S. Rept. 1888). p. 13447
18. HIGHWAYS. The Public Works Committee reported with amendments S. 3953, to revise, codify, and enact title 23 of the U. S. Code, on "Highways." (S. Rept. 1928). p. 13448
19. WATER RESOURCES. The Interior and Insular Affairs and the Public Works Committees reported jointly, with amendments, S. Res. 248, to authorize hearings on the relationships of water resource development programs of the U. S., the U. S. S. R. and Communist China (S. Rept. 1926). p. 13448
20. ECONOMIC SITUATION. Sen. Bush discussed the current economic situation and the probability of a \$12 billion budget deficit in fiscal year 1959, and inserted two articles on the subject. pp. 13460-2
21. LEGISLATIVE PROGRAM. Sen. Johnson announced: "We hope it will be possible for the Senate to complete its action on the farm bill before the end of the week." p. 13446

ITEMS IN APPENDIX

22. CONSERVATION. Extension of remarks of Sen. Wiley outlining the major achievements and accomplishments of soil conservation programs in Wisc. pp. A6615-6
23. PUBLIC WORKS. Extension of remarks of Rep. Roberts urging appropriations for the development of the Coosa-Alabama River. p. A6617
24. FARM PROGRAM. Rep. Harrison, Nebr., inserted an editorial, "Farm Bill Compromise." p. A6624
25. AREA DEVELOPMENT. Rep. Van Zandt inserted an editorial, "Depressed Areas Need Help of Congress Now," suggesting reasons why Congress should approve area-redevelopment legislation before adjournment. p. A6624
26. WOOL. Rep. Berry stated that it is impossible to express the "absolute necessity" for the extension of the National Wool Act. pp. A6624-5

27. PEST CONTROL. Rep. Reuss inserted an article, "Chemical Control of Pests Requires Detailed Research." p. A6628

BILLS INTRODUCED

28. WHEAT. H. R. 13512, by Rep. Denton, to permit all wheat farmers (including those who plant less than 15 acres of wheat) to vote in any wheat marketing quota referendum; to Agriculture Committee.
29. RESEARCH. H. R. 13513, by Rep. Hill, to provide for further research relating to new and improved uses which offer expanding markets for farm and forest products; to Agriculture Committee.
30. LANDS. H. R. 13514, by Rep. Thompson, La., and H. R. 13515, by Rep. Willis, to amend the act of December 22, 1928, relating to the issuance of patents to tracts of public land held under color of title, to provide that patents may be issued under such act without reservation of minerals; to Interior and Insular Affairs Committee.

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COMMITTEE HEARINGS ANNOUNCEMENTS:

July 24: Authority to make grants to research institutions, H. Commerce (Fracker, ARS, to testify).

H. Agriculture subcommittee on cotton (exec).

Purchasing policies of Federal agencies, S. Small Business (GSA to testify).

Settlement of employee grievances, H. Civil Service.

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Senate

July 28, 1958

authorizing delayed payments and variable repayment formulas under the administration of the Secretary of the Interior. This bill will now be sent to the President. p. 13933

Passed as reported S. 3448, to permit the Secretary of the Interior to authorize increases in the 160-acre limitation on the Seedskadee Reclamation Project on the basis of a formula assessing the value of the land in 4 classes. pp. 13932-3

16. RIVER COMPACT. Passed as reported H. R. 6701, to grant the consent of Congress to the Tennessee River Basin Water Pollution Control Compact. p. 13942
17. WATER RESOURCES. Agreed to as reported S. Res. 248, to authorize a continuation of the joint Public Works-Interior and Insular Affairs Committees study on the relationship of the U. S., U. S. S. R., and Communist China water resource development programs. Sen. Watkins inserted his views attached to the Committee report on the bill. pp. 13935-8
18. BUDGETING. At the request of Sen. Talmadge, passed over H. R. 8002, the accrued expenditures budgeting bill. p. 13922
19. HIGHWAYS. At the request of Sen. Hruska, passed over S. 3953, to revise, codify and enact title 23 of the U. S. Code, "Highways," after Sen. Talmadge requested that the language of the Senate bill be substituted in the similar House bill, H. R. 12776. p. 13938
20. MONOPOLIES. The Judiciary Committee reported with amendment S. 11, to amend the Robinson-Patman Act with reference to equality of opportunity (S. Rept. 2010). p. 14011
21. WATER DEVELOPMENT. The Interstate and Foreign Commerce Committee reported without amendment H. R. 13138, to amend the Coordination Act so as to provide more effective integration of fish and wildlife conservation programs with Federal water development programs (S. Rept. 1981). p. 13906
Sen. Wiley urged that wildlife project funds under the Pittman-Robertson Act be distributed on the basis of licenses issued as provided in S. 4043, and inserted letters from the Midwest Fish and Game Commissioners supporting the bill. pp. 13919-21
22. ECONOMIC SITUATION. Sen. Goldwater inserted a tabulation showing the growth of the economy of Ariz. and a news article on the improving state of the economy. pp. 13912-13
23. FOREIGN TRADE. Sen. Neuberger inserted his article urging free trade between the U. S. and Canada. pp. 13916-17
24. LEGISLATIVE PROGRAM. Sen. Johnson announced that following the vote on S. 4100, the industrial uses research bill, the Senate would consider H. R. 8308, to provide for the humane slaughter of livestock. p. 14007

ITEMS IN APPENDIX

25. BUDGETING. Sen. Proxmire inserted two editorials in support of H. R. 8002, the accrued expenditures budgeting bill. pp. A6723-4
26. FORESTRY. Extension of remarks of Sen. Neuberger stating that "the greatest cathedral or temple anywhere on earth is in the magnificent American outdoors," and inserting several articles describing the holding of church services in the national parks. pp. A6724-5

Rep. Libonati urged enactment of his bill, H. R. 12778, which would establish a Youth Camp Recreation Commission. pp. A6762-3

27. ETHICS. Sen. Humphrey inserted Sen. Neuberger's article, "When Influence Is Good--and Bad," suggesting a code of ethics to help subdue and discourage the "harmful and illegitimate" use of influence in Government. pp. A6727-9
28. ELECTRIFICATION. Extension of remarks of Rep. Weaver reviewing Hells Canyon legislation. pp. A6733-4
Rep. Evins inserted 2 articles, "TVA: Model for Democracy in Action Around the World," and "Foreign Visitors to TVA." pp. A6737-9, A6741-2
29. STATEHOOD. Del. Burns inserted an article favoring statehood for Hawaii. p. A6736
30. WATER RESOURCES. Rep. Blatnik inserted an article, "Cleaning Up Our Water," which gives a concise and detailed explanation of the Federal water pollution control program. pp. A6739-41
31. FLAG. Extension of remarks of Rep. Pelly stating that there is a wave of public interest on flag "etiquette" and rules on proper display of the flag under various circumstances and inserting an article on this subject. p. A6749
32. LIBRARY. Extension of remarks of Rep. Metcalf commending the improvement in library services to rural areas and inserting an article on this subject. p. A6766

BILLS INTRODUCED

33. FOOD ADDITIVES. S. 4193, by Sen. Hill (for himself and Sen. Smith, N. J.), to protect the public health by amending the Federal Food, Drug and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety; to Labor and Public Welfare Committee.
34. FLAG. H. R. 13552, by Rep. Celler, providing for the design of the flag of the United States; to Judiciary Committee.
35. SMALL BUSINESS. H. R. 13561 through H. R. 13570, by Rep. Hill (and others) to amend the Renegotiation Act of 1951 to assist small business; to Ways and Means Committee. Remarks of Rep. Hill. pp. 14021-3
36. BUDGETING. H. Res. 646, by Rep. Smith, Va., to make legislative bills subject to points of order if they include contract authorizations or other authority for withdrawing funds from the Treasury, whereas the present rule relates only to "appropriations"; to Rules Committee (July 25).

BILLS APPROVED BY THE PRESIDENT

37. SOIL CONSERVATION. H. R. 1045, to extend for 4 years, until December 31, 1962, the authority of the Secretary to administer the Agricultural Conservation Program pending the approval of State plans by the Secretary for the administration of the program by the States. Approved July 25, 1958 (Public Law 85-553, 85th Congress).
38. FORESTRY. H. R. 11253, to authorize the Secretary to exchange with Redding, Calif., about 12 acres of land and improvements in that city for about 40 acres

AMENDING THE COORDINATION ACT

JULY 28, 1958.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany H. R. 13138]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 13138) to amend the act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

This amendment to the Coordination Act would grant authority to the agencies of Government engaged in construction to consult with the Fish and Wildlife Service before and during the building of Federal water development projects.

The Fish and Wildlife Service would make known to these construction agencies, such as the Corps of Engineers and the Bureau of Reclamation, the project necessary to protect fish and wildlife. Considerable study would be required in some cases, with suggested changes in construction plans to the great advantage to our wildlife resource. Under the bill suggestions regarding changes could be made previous to the commencement of construction. Such plans, or recommendations, whether accepted or rejected by the construction agency, would be submitted to the Congress at the time authorization legislation for the project was under consideration.

The bill would amend the Watershed Protection and Flood Prevention Act which is administered by the Department of Agriculture. It is designed to provide for greater consideration of fish and wildlife conservation in the Federal water-resource development program. Enactment of the bill would not retard that program but should help significantly in permitting Federal water development to serve the interests of a much larger share of our population.

The Secretary of Agriculture would be required to notify the Department of the Interior on any construction plans which concern the conservation and development of wildlife resources. The Secretary of Agriculture would give full consideration to any plans submitted to him by the Fish and Wildlife Service.

The Congress recognized the need for greater emphasis on fish and wildlife conservation through the enactment of the Fish and Wildlife Act of August 8, 1956 (70 Stat. 1119). This act specifically pointed to the need to maintain and increase these resources through proper development and management. The Congress also directed the Secretary of the Interior to take such steps as may be required for the betterment of fish and wildlife resources, and to make such recommendations for additional legislation as deemed necessary.

H. R. 13138 in the form reported by your committee is based on the recommendations of the Secretary of the Interior contained in a letter to the Committee dated April 1, 1958. That letter stated, in part:

* * * we have discussed this proposed legislation with other interested departments, including particularly, the Department of Agriculture and the Department of the Army. The bill as transmitted herewith has their concurrence.

The bill enjoys exceptionally enthusiastic and widespread support. Every one of the 48 State governors, or their authorized representatives, had expressed general endorsement of an earlier version of this bill, according to the Secretary of the Interior. Every major national conservation organization supports it. The bill has the wholehearted endorsement of the commercial fishing industry. As noted above, the Secretary of the Interior sponsored the bill and states that the administration, including all of the other affected Federal departments, supports the bill. The committee has received a very large number of written endorsements from all parts of the country.

COSTS

The Department of the Interior is of the opinion that the cost of this bill will be little above the amounts now being spent on studies of water development projects.

GENERAL DISCUSSION

The fish and wildlife resources of the Nation are tremendously important, not only to the physical and spiritual well-being of our people, but to our national economy as well. A survey made by an independent sampling organization in 1955 found that 1 out of every 3 of all the households in this Nation contains at least 1 person who hunts, fishes, or both. These people spent in that year some \$3 billion in pursuit of their sports. One in every 5 persons, 12 years of age or over—a total of 25 million in this age group—hunts or fishes, or both. In addition to the business these activities generate to provide profits and wages in the sporting goods, recreation and related industries, these 25 million people gained much in physical and spiritual health.

Not all of the recreational benefits from fish and wildlife accrue to those who hunt and fish. It has been estimated, for example, that 66 million people find recreation and release from tension in wildlife photography, bird watching, and other forms of nature study based on fish and wildlife resources.

Commercial fisheries are of major importance to our Nation. This industry provides employment, both direct and indirect, for about half a million workers. The commercial fisheries industry supplies somewhat more than 5 billion pounds of fish to our markets each year, nearly 3 billion pounds of which are used for human food, providing proteins and vitamins of great value in the national diet.

The remainder, as well as most of the waste from filleting, canning, and otherwise preparing food fish for market, is used in the production of supplements to animal feeds and as special-purpose materials in industry and the arts.

Fishmeals, when incorporated in poultry diets, enable the farmer to bring his birds to market weight in a period of 8 weeks, resulting in a significant saving in feed and a significant improvement in poultry quality. Fish solubles, another product derived from the fish wastes, are an acknowledged superior source of vitamins, minerals, and unknown growth factors and are universally used in feeds prepared for use by the poultry and swine-raising industries.

The commercial fish catch, when processed into human food and industrial products, is valued at well over a billion dollars annually at the retail level.

Some of the more desirable and most valuable commercial fishes such as salmon, striped bass, menhaden, shrimp, and other shellfish, are affected by water-use projects. The anadromous fishes, which include the salmon, striped bass, and shad, must migrate to locations in streams to perform their spawning act. After the eggs have hatched, the resulting young fish must make their way downstream to the ocean to achieve their growth. This two-way migration is particularly vulnerable to interference by dams. In some instances, shellfish may also be affected by dams, as these dams may alter the salinity of the water in river estuaries. Finally, the nursery and feeding grounds of valuable crustaceans, such as shrimp, as well as the young of valuable marine fishes, may be affected by dredging, filling, and diking operations often carried out to improve navigation and provide new industrial or residential land.

It is particularly important that adequate provision be made for fish and wildlife conservation in the water resource program, in view of the very great increases in demand for water in the Nation's expanding population and economy.

Since 1950, water demands for use by humans have increased by 35 to 40 percent. This is roughly three times the increase in population, even though the population itself is increasing very rapidly. Fish and wildlife species, like other living things, need land and water. Adequate provision must be made for the conservation and preservation of fish and wildlife in our water program if we are to continue to have them as part of our economy and way of life. H. R. 13138, as reported, is intended to provide more adequately for the conservation and preservation of fish and wildlife without unduly restricting needed development of our water resources to meet man's various requirements. Despite the considerable accomplishments under the

1946 Coordination Act, the results have fallen far short of the results anticipated by the conservationists who sponsored the 1946 law. The limitations and deficiencies of that act will not permit the Fish and Wildlife Service and the State fish and game departments to accomplish the objectives of fish and wildlife conservation and river basin development that are clearly essential if we are to preserve our fish and wildlife resources on a scale demanded by the people of the Nation.

Principally the 1946 act does not provide clear, general authority for the Federal agencies who construct water-resource projects to incorporate in project construction and operation plans the needed measures for fish and wildlife conservation. The act is mainly concerned with compensatory measures to mitigate the loss of or damage to fish and wildlife resources; it contains no clear authority to permit the planning of installations of appropriate means and measures to take advantage of opportunities provided by water projects for enhancement or improvement for fish and wildlife resources.

Existing law is of questionable application to many authorized projects, a very serious shortcoming. The Corps of Engineers, for example, has a backlog of 650 active authorized projects with an estimated cost of about \$6 billion on which construction has not yet started. Many of these cover vast areas, containing some of the most important fish and wildlife resources of the Nation. The Bureau of Reclamation has about 150 projects or units at an estimated cost of \$3.7 billion in this category. Most of these projects have never been investigated from the standpoint of their effects on fish and wildlife resources. Many of them were authorized 15 or 20 years ago or more. It would make good sense to have the policies and procedures of the Coordination Act applicable to them in order that the wishes of the Congress in enacting the 1946 statute and the proposed amendments can be observed.

The bill provides for the inclusion of fish and wildlife conservation features in these authorized projects so long as they are "compatible with the purposes for which the project was authorized." It is understood that some benefits from authorized project purposes may have to be diminished in some slight degree in order to obtain benefits from fish and wildlife conservation measures adopted to compensate for losses to these resources or to enhance and develop fish and wildlife.

The legislation would provide that conservation measures for the prevention of losses to fish and wildlife should be included "to the extent justifiable" in authorized projects. It is the understanding of your committee, however, that these measures would not have to be justified under the usual benefit-cost type of analysis. They would not produce "benefits." These measures would be for reducing or compensating for losses.

Similarly, it is the understanding of your committee that the "estimation of wildlife * * * losses" provided for in the bill would not require a dollar evaluation.

Existing law has questionable application to projects of the Corps of Engineers for the dredging of bays and estuaries for navigation and filling purposes. More seriously, existing law has no application whatsoever to the dredging and filling of bays and estuaries by private interests or other non-Federal entities in navigable waters

under permit from the Corps of Engineers. This is a particularly serious deficiency from the standpoint of commercial fishing interests. The dredging of these bays and estuaries along the coastlines to aid navigation and also to provide land fills for real estate and similar developments, both by Federal agencies or other agencies under permit from the Corps of Engineers, has increased tremendously in the last 5 years. Obviously, dredging activity of this sort has a profound disturbing effect on aquatic life, including shrimp and other species of tremendous significance to the commercial fishing industry. The bays, estuaries, and related marsh areas are highly important as spawning and nursery grounds for many commercial species of fish and shellfish.

Also existing law contains no reference to the authority of the water-project construction agencies to acquire land around water-use projects for fish and wildlife conservation purposes. In very many cases, the availability of lands to the Fish and Wildlife Service or the State fish and game departments for these purposes is the key to adequate and satisfactory project measures to compensate for losses and to provide for the enhancement and improvement of fish and wildlife. The conservation agencies are restricted and hampered by this lack of authority, particularly where the land acquisition necessary for flood control and other so-called primary purposes of projects results in little or no land being available for conservation purposes.

The amendments proposed by this bill would remedy these deficiencies and have several other important advantages. The amendments, would provide that wildlife conservation shall receive equal consideration with other features in the planning of Federal water resource development programs. This would have the effect of putting fish and wildlife on the basis of equality with flood control, irrigation, navigation, and hydroelectric power in our water resource programs, which is highly desirable and proper, and represents an objective long sought by conservationists of the Nation.

The amendments would also provide the Department of the Interior with authority to accept lands and funds for fish and wildlife conservation purposes given by individuals and other non-Federal entities. They would grant authority for the withdrawal of public lands to provide areas for fishing purposes and access to areas to be utilized by the public for both hunting and fishing. (The present act contains authority for withdrawal of public lands to provide areas for hunting purposes.) Much public land has been withdrawn for hunting purposes and large areas have been made available to State fish and game departments for administration and management.

Finally, the amendments to existing law would simplify procedures, for the assumption of management by the States of project lands found to be of particular value to the national migratory bird program. Under other existing law, the Department of the Interior has jurisdiction of this program, but frequently it is found to be in the public interest for the States to take over the management of certain lands particularly valuable for migratory birds. Today these lands must be assigned by the project construction agency first to the Fish and Wildlife Service, who in turn, assigns them to State fish and game departments. The bill would permit the assignment directly to the States, while safeguarding the Federal interest in migratory birds.

The legislation would be a permissive law so far as it concerns relationship between water project construction agencies and fish and wildlife conservation agencies. The latter would not be given any veto power over any part of the water resource development program.

The legislation would establish in law the provisions of a memorandum of understanding, dated May 12, 1955, entered into by the Fish and Wildlife Service and the Soil Conservation Service of the Department of Agriculture. It would provide for study of projects in the small watershed program by the Fish and Wildlife Service on a fully cooperative basis, leaving full control of the program with local groups, the Secretary of Agriculture, and the Congress, as at present. These studies could be made to determine desirable means of enhancing fish and wildlife resources in these small watershed projects as well as the mitigation of damages.

Unquestionably, the bill, if enacted, would result in the Congress having better information on the effects of water projects on fish and wildlife resources while considering project-authorizing legislation. It will then, of course, be for the Congress to decide what conservation measures should be incorporated in any project.

The Congress, moreover, would retain full control, through its consideration of project-authorizing legislation, and the review of supplemental reports, in the case of projects already authorized, of any costs incurred for fish and wildlife conservation purposes.

AGENCY COMMENT

Departmental reports on S. 3725, the Senate version of H. R. 13138, follow:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., June 9, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.*

DEAR SENATOR MAGNUSON: This is in reply to your request of April 30, 1958, for the comments of this Department on S. 3725, a bill to amend the Coordination and Watershed Protection and Flood Prevention Acts, to promote the conservation of wildlife, fish, and game, and for other purposes.

The bill would amend the Coordination Act administered by the Department of the Interior and the Watershed Protection and Flood Prevention Act administered by the Department of Agriculture to further promote the conservation of wildlife, fish, and game resources.

The provisions of the bill are identical, except for two added subsections, to the provisions of the text recommended by the Secretary of the Interior on April 1, 1958, to the Committee on Interstate and Foreign Commerce as a substitute for S. 2496 and concurred in by this Department in its report dated April 30, 1958, to that committee in which it also outlined its strong objections to S. 2496 as introduced. The 2 added subsections consist of a further proposed identical amendment to each of the 2 acts to be amended by the bill which would require that any acquisition, withdrawal, administration, or transfer of water, water resources, or water rights necessary to carry out the provisions of those acts shall be accomplished in accordance with the water laws of the State or States in which such action is taken. This Department

feels that the proposed added subsection 12 (b) to the Watershed Protection and Flood Prevention Act beginning on page 13, line 23 of the bill does not appear to be necessary in view of the existing provisions in section 4 (4) of that act, which provides that local organizations shall acquire or provide assurance that landowners or water uses have acquired needed water rights, pursuant to State law.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

FEDERAL POWER COMMISSION,
Washington, June 26, 1958.

S. 3725, 85th Congress, 2d session, to amend the Coordination and Watershed Protection * * * Act * * *.

Hon. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request of April 30, 1958, there are enclosed copies of the report of the Federal Power Commission on the subject bill.

Sincerely yours,

JEROME K. KUYKENDALL,
Chairman.

Enclosure No. 104472.

FEDERAL POWER COMMISSION REPORT ON S. 3725, 85TH CONGRESS, A BILL TO AMEND THE COORDINATION AND WATERSHED PROTECTION AND FLOOD PREVENTION ACTS, TO PROMOTE THE CONSERVATION OF WILDLIFE, FISH, AND GAME, AND FOR OTHER PURPOSES

The amendments to the Wildlife Resources Coordination and Watershed Protection and Flood Prevention Acts (16 U. S. C. 661, 1001) proposed by this bill appear to be designed to secure more effective cooperation between State and Federal agencies and between Federal agencies themselves in planning for the preservation, improvement, and use of fish and wildlife resources in connection with water resource projects to be constructed by or under authority of the United States or with Federal financial or technical assistance. The amendments would also place an affirmative responsibility upon Federal agencies, not only to prevent loss or damage to wild life resources as presently contemplated by the Coordination Act, but to integrate wildlife conservation programs for the enhancement of wildlife with other water resource development programs whether carried out by Federal or non-Federal agencies.

There is much to be gained by an affirmative approach to wildlife protection and preservation. In the issuance of licenses under the Federal Power Act for water-power development by non-Federal agencies, the Federal Power Commission regards the Wildlife Resources Coordination Act as calling not only for protection but also for the enhancement of fish and wildlife resources whenever such enhancement can be reasonably achieved. It appears, therefore, that

the amendments carried by the bill would merely apply the same principle to Federal programs as is now applied to non-Federal developments under the Federal Power Act.

In this connection subsection 1 (c) of the bill would authorize the Secretary of the Interior "to accept donations of land and contributions of funds in furtherance of the purposes of this act." In issuing licenses the Commission has required in appropriate cases that licensees make funds available to the Secretary to conduct studies to determine measures and facilities required to conserve and enhance fish and wildlife resources. In addition, the Commission has required licensees to acquire or provide funds for acquiring lands for wildlife management programs. If any doubt exists as to the authority of the Secretary of the Interior to accept such donations and contributions, it appears desirable to expressly grant such authority as proposed by the bill.

We understand that the Secretary of the Interior in his report on this bill urges that Congress consider separately from this bill the matter of compliance with State laws covered by the two subsections appearing on page 11, lines 7 through 11, and on page 13, line 23, through line 2 on page 14, because of their controversial nature.¹ The matter of compliance with State water laws is presently before the Congress in other bills directly dealing with that subject. While we do not construe these two subsections as superseding any of the licensing provisions of the Federal Power Act, we also believe that the question of compliance with State laws might better be considered separately from S. 3725. Consequently, we recommend that the two subsections be deleted from the bill.

With the amendment recommended above the Commission is in favor of this bill.

FEDERAL POWER COMMISSION,
By JEROME K. KUYKENDALL, *Chairman*.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, May 16, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.*

DEAR MR. CHAIRMAN: Further reference is made to your letter dated April 30, 1958, acknowledged May 2, requesting our comments on S. 3725, 85th Congress, 2d session.

S. 3725 would amend the Coordination Act of 1934, as amended (16 U. S. C. 661-667), and the Watershed Protection and Flood Prevention Act, as amended (16 U. S. C. 1001-1007), to provide for the integration of fish and wildlife conservation programs with water-resource development projects in which a Federal interest exists.

We find nothing in this bill which is objectionable from an accounting and auditing viewpoint. However, we have no information, other than that contained in the remarks of the sponsor upon introduction of the bill, with respect to the necessity for, or advisability of, legislation of this nature. We therefore make no recommendation with respect to its enactment.

¹ These lines were deleted by amendments.

Your attention is invited to the reference to "section o" in line 17, page 11, which apparently should read "section 3 (b)."

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

GENERAL SERVICES ADMINISTRATION,
Washington, D. C., July 9, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: Your letter of April 30 requested the views of the General Services Administration on S. 3725, 85th Congress, a bill to amend the Coordination and Watershed Protection and Flood Prevention Acts, to promote the conservation of wildlife, fish, and game, and for other purposes.

Inasmuch as the subject matter of this measure does not concern the operations and functions of GSA, we do not believe an expression of our views would be appropriate.

Enactment of this measure will not affect the budgetary requirements of GSA.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

FRANKLIN FLOETE, *Administrator.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., June 11, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: We invite your attention to S. 3725, a bill to amend the Coordination and Watershed Protection and Flood Prevention Acts, to promote the conservation of wildlife, fish, and game, and for other purposes. In this connection, we refer also to S. 2496, a bill to amend the act entitled "AN ACT To promote the conservation of wildlife, fish, and game, and for other purposes," approved March 10, 1934, as amended, known as the Coordination Act. On April 1, we transmitted to you our report on S. 2496. Our report was accompanied by suggested revisions of that bill.

S. 3725, which has been introduced following our report on S. 2496, contains the suggested amendments that we transmitted to you with our report. However, it includes also two new subsections, on page 11, lines 7 through 11, and on page 13, line 23 through line 2, page 14, dealing with the matter of compliance with State water laws along the lines of S. 863, 85th Congress. This Department in the past has recommended the enactment of legislation similar to S. 863, and we so reported to the chairman, Committee on Interior and Insular Affairs, United States Senate, by our letter of March 20, 1956, on S. 863 of the

84th Congress. We recognize, however, that there is considerable difference of opinion concerning such legislation. We recommend, therefore, that the controversy over S. 863 and similar bills not be injected into the consideration of the proposed legislation to amend the Fish and Wildlife Coordination Act. Accordingly, we urge that the Congress consider S. 863 separately. If enacted, that legislation would, of course, have the general application that its terms prescribe.

For the foregoing reasons, we recommend that S. 3725 be enacted in the form transmitted with our report on S. 2496. We recommend that S. 3725 be amended as follows:

(1) On page 11, strike out lines 7 through 11.

(2) On page 13, beginning with line 23, strike out the text through line 2 on page 14.

The Bureau of the Budget has advised us that there is no objection to the submission of this report to your committee.

Sincerely yours,

ROSS LEFFLER,
Assistant Secretary of the Interior.

DEPARTMENT OF THE ARMY,
Washington, D. C., April 29, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 2496, 85th Congress, a bill to amend the act entitled "AN ACT To promote the conservation of wildlife, fish, and game, and for other purposes," approved March 10, 1934, as amended, known as the Coordination Act." The Secretary of Defense has assigned to the Department of the Army the responsibility for the preparation of a report.

The Department of the Army has considered the above-mentioned bill, the purpose of which, stated generally, is to amend sections 1-3 of the act of Congress approved March 10, 1934, as amended by the act approved August 14, 1946 (16 U. S. C. 661-663), pertaining to the conservation of wildlife.

The primary interest of this Department in the proposed amendments pertains to the civil works water resource development program. The Department is in complete agreement with the objective of promoting effective coordination of wildlife conservation with resource development programs and equal consideration of wildlife conservation in planning and carrying out such programs. All purposes must be considered in any comprehensive and coordinated development if the maximum sustained benefits are to be obtained for each public dollar invested in the development of our natural resources. This will involve the active participation of all responsible State and Federal agencies in the planning, development and maintenance of water resources programs. Experience shows that each interest cannot be given everything it wants. There usually must be adjustments in balancing the degree to which the various purposes can be served considering the overall needs in the areas benefited. Full

consideration can be given to all conservation matters only with the active help of all responsible agencies concerned on a cooperative basis.

There is a strong implication in the modifications proposed in S. 2496, however, that wildlife conservation shall be given more than equal treatment. The costs of means and measures to prevent loss of and damage to wildlife, and to provide for the development and improvement of wildlife, do not have to be justified by the results expected. The bill implies that provisions for wildlife shall be included irrespective of other project considerations.

This Department is agreeable to the inclusion, in the project work to be performed and budgeted by it, of facilities and modifications for wildlife which are attached to or form an integral part of other project features. It is considered essential to the proper operation of the project that such facilities should be operated by the agency responsible for operation and maintenance of the project. However, it is considered that facilities and improvements which can be undertaken separately for wildlife conservation should be undertaken as a part of wildlife conservation programs by the agencies responsible for those programs.

The bill, S. 2496, in its present form, is inconsistent as to cost sharing. It provides that for projects under reclamation law all costs allocated to conservation of wildlife, including those for prevention of loss or damage, shall be nonreimbursable. On the other hand, for other Federal projects costs of measures for prevention of loss would be joint or integral project costs chargeable to other project functions (such as hydro-power or flood control), and for costs allocated to improvement of the resource the bill would require a finding of the amount which should be reimbursed by non-Federal interests. It is believed to be essential that whatever cost sharing procedure the Congress adopts as a matter of policy for wildlife conservation be uniformly applicable to programs of all Federal agencies.

S. 2496 would give broad authority for acquisition of lands for prevention of damage to wildlife resources and for improvement of such resources, in accordance with recommendations of the Fish and Wildlife Service and subject to approval by the Secretary of the Interior. No specific action by the Congress thereon would be required nor would affected States necessarily have an opportunity to comment on the appropriateness of such acquisition. It is considered essential to the accomplishment of such acquisition that before properties are acquired for this purpose, the extent of such acquisition be described as accurately as practicable and be set forth, along with other data necessary for project authorization, in a report submitted to the Congress, and that no such properties be acquired unless specifically authorized by the Congress, if specific authority for such acquisition is recommended by the construction agency.

Modification of the basic legislation of this matter has been the subject of extensive coordination among the Departments of the Interior, Army and Agriculture and the Bureau of the Budget as it relates to the various Federal programs that would be affected. As a result of these endeavors, the Department of the Interior has proposed certain modifications of the law on which substantial agreement has been reached among the agencies. A copy of those proposals is inclosed. If the amendments proposed in S. 2496 were modified to make the bill consistent with the inclosed proposals, the

Department of the Army would interpose no objection to its enactment.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in brackets; new matter is printed in *italic*; existing law in which no change is proposed is shown in roman):

SECTIONS 1 THROUGH 4, INCLUSIVE, OF AN ACT TO PROMOTE THE CONSERVATION OF WILDLIFE, FISH, AND GAME, AND FOR OTHER PURPOSES

(48 Stat. 401; 16 U. S. C., secs. 661 to 664, inclusive)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That in order to promote effectual planning, development, maintenance, and coordination of wildlife conservation and rehabilitation in the United States, its Territories and possessions, the Secretary of the Interior, through the Fish and Wildlife Service, is authorized (a) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting areas, and in carrying out other measures necessary to effectuate the purposes of this Act; and (b) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States.

[SEC. 2. Whenever the waters of any stream or other body of water are authorized to be impounded, diverted, or otherwise controlled for any purpose whatever by any department or agency of the United States, or by any public or private agency under Federal permit, such department or agency first shall consult with the Fish and Wildlife Service and the head of the agency exercising administration over the wildlife resources of the State wherein the impoundment, diversion, or other control facility is to be constructed with a view to preventing loss of and damage to wildlife resources, and the reports and recommendations of the Secretary of the Interior and of the head of the agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the Fish and Wildlife Service and by the said head of the agency exercising administration over the wildlife resources of the State, for the purpose of determining the possible damage to wildlife resources and of the means and measures that should be adopted to prevent loss of and damage to wildlife resources, shall be made an integral part of any

report submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects.

【The cost of planning for and the construction or installation and maintenance of any such means and measures shall be included in and shall constitute an integral part of the costs of such projects: *Provided*, That, in the case of projects after August 14, 1946, authorized to be constructed, operated, and maintained in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Secretary of the Interior shall, in addition to allocations to be made under section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187), make findings on the part of the estimated cost of the project which can properly be allocated to the preservation and propagation of fish and wildlife, and costs allocated pursuant to such findings shall not be reimbursable. In the case of construction by a Federal agency, that agency is authorized to transfer, out of appropriations or other funds made available for surveying, engineering, or construction to the Fish and Wildlife Service, such funds as may be necessary to conduct the investigations required by this section to be made by it.

【SEC. 3. Whenever the waters of any stream or other body of water are impounded, diverted, or otherwise controlled for any purpose whatever by any department or agency of the United States, adequate provision consistent with the primary purposes of such impoundment, diversion, or other control shall be made for the use thereof, together with any areas of land, or interest therein, acquired or administered in connection therewith, for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon. In accordance with general plans, covering the use of such waters and other interests for these purposes, approved jointly by the head of the department or agency exercising primary administration thereof, the Secretary of the Interior, and the head of the agency exercising administration over the wildlife resources of the State wherein the waters and areas lie, such waters and other interests shall be made available without cost for administration (a) by such State agency, if the management thereof for the conservation of wildlife relates to other than migratory birds; (b) by the Secretary of the Interior, if the waters and other interests have particular value in carrying out the national migratory bird management program.

【SEC. 4. Such areas as are made available to the Secretary of the Interior for the purposes of this Act under sections 1 and 3, or by any other law, proclamation, or Executive order, shall be administered directly or under cooperative agreements entered into pursuant to the provisions of section 1 by the Secretary of the Interior under such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as may be adopted by him in accordance with general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas: *Provided*, That such rules and regulations shall not be inconsistent with the laws for the protection of fish and game of the States in which such area is situated.】

For the purpose of recognizing the vital contribution of our wildlife resources to the Nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and

to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation for the purposes of this Act in the United States, its Territories and possessions, the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of this Act; (2) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (3) to accept donations of land and contributions of funds in furtherance of the purposes of this Act.

SEC. 2. (a) Except as hereafter stated in subsection (h) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.

(b) In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purposes of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action, or otherwise, (1) to authorize the construction of water-resource development projects or (2) to approve a report on the modification or supplementation of plans for previously authorized projects, to which this Act applies. Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development, lands to be utilized or acquired for such purposes, the results expected, and shall describe the damage to wildlife attributable to the project and the measures proposed for mitigating or compensating for these damages. The re-

porting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations of the Secretary of the Interior and to any report of the State agency on the wildlife aspects of such projects, and the project plan shall include such justifiable means and measures for wildlife purposes as the reporting agency finds should be adopted to obtain maximum overall project benefits.

(c) Federal agencies authorized to construct or operate water-control projects are hereby authorized to modify or add to the structures and operations of such projects, the construction of which has not been substantially completed on the date of enactment of the Fish and Wildlife Coordination Act, and to acquire lands in accordance with section 3 of this Act, in order to accommodate the means and measures for such conservation of wildlife resources as an integral part of such projects: Provided, That for projects authorized by a specific Act of Congress before the date of enactment of the Fish and Wildlife Coordination Act (1) such modification or land acquisition shall be compatible with the purposes for which the project was authorized; (2) the cost of such modifications or land acquisition, as means and measures to prevent loss of and damage to wildlife resources to the extent justifiable, shall be an integral part of the cost of such projects; and (3) the cost of such modifications or land acquisition for the development or improvement of wildlife resources may be included to the extent justifiable, and an appropriate share of the cost of any project may be allocated for this purpose with a finding as to the part of such allocated cost, if any, to be reimbursed by non-Federal interests.

(d) The cost of planning for and the construction or installation and maintenance of such means and measures adopted to carry out the conservation purposes of this section shall constitute an integral part of the cost of such projects: Provided, That such cost attributable to the development and improvement of wildlife shall not extend beyond those necessary for (1) land acquisition, (2) modification of the project, and (3) modification of project operations; but shall not include the operation of wildlife facilities nor the construction of such facilities beyond those herein described: And provided further, That, in the case of projects authorized to be constructed, operated, and maintained in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Secretary of the Interior, in addition to allocations made under section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187), shall make findings on the part of the estimated cost of the project which can properly be allocated to means and measures to prevent loss of and damage to wildlife resources, which costs shall not be reimbursable, and an appropriate share of the project costs may be allocated to development and improvement of wildlife resources, with a finding as to the part of such allocated costs, if any, to be reimbursed by non-Federal fish and wildlife agencies or interests.

(e) In the case of construction by a Federal agency, that agency is authorized to transfer to the United States Fish and Wildlife Service, out of appropriations or other funds made available for investigations, engineering, or construction, such funds as may be necessary to conduct all or part of the investigations required to carry out the purposes of this section.

(f) In addition to other requirements, there shall be included in any report submitted to Congress supporting a recommendation for authorization of any new project for the control or use of water as described herein

(including any new division of such project or new supplemental works on such project) an estimation of the wildlife benefits or losses to be derived therefrom including benefits to be derived from measures recommended specifically for the development and improvement of wildlife resources, the cost of providing wildlife benefits (including the cost of additional facilities to be installed or lands to be acquired specifically for that particular phase of wildlife conservation relating to the development and improvement of wildlife), the part of the cost of joint-use facilities allocated to wildlife, and the part of such costs, if any, to be reimbursed by non-Federal interests.

(g) The provisions of this section shall be applicable with respect to any project for the control or use of water as prescribed herein, or any unit of such project authorized before or after the date of enactment of the Fish and Wildlife Coordination Act for planning or construction, but shall not be applicable to any project or unit thereof authorized before the date of enactment of the Fish and Wildlife Coordination Act if the construction of the particular project or unit thereof has been substantially completed. A project or unit thereof shall be considered to be substantially completed when sixty percent or more of the estimated construction cost has been obligated for expenditure.

(h) The provisions of this Act shall not be applicable to those projects for the impoundment of water where the maximum surface area of such impoundments is less than ten acres, nor to activities for or in connection with programs primarily for land management and use carried out by Federal agencies with respect to Federal lands under their jurisdiction.

SEC. 3. (a) Subject to the exceptions prescribed in section 2 (h) of this Act, whenever the waters of any stream or other body of water are impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, adequate provision, consistent with the primary purposes of such impoundment, diversion, or other control, shall be made for the use thereof, together with any areas of land, water, or interests therein, acquired or administered by a Federal agency in connection therewith, for the conservation, maintenance, and management of wildlife resources thereof, and its habitat thereon, including the development and improvement of such wildlife resources pursuant to the provisions of section 2 of this Act.

(b) The use of such waters, land, or interests therein for wildlife conservation purposes shall be in accordance with general plans approved jointly (1) by the head of the particular department or agency exercising primary administration in each instance, (2) by the Secretary of the Interior, and (3) by the head of the agency exercising the administration of the wildlife resources of the particular State wherein the waters and areas lie. Such waters and other interests shall be made available, without cost for administration, by such State agency, if the management of the properties relate to the conservation of wildlife other than migratory birds, or by the Secretary of the Interior, for administration in such manner as he may deem advisable, where the particular properties have value in carrying out the national migratory bird management program: Provided, That nothing in this section shall be construed as affecting the authority of the Secretary of Agriculture to cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him.

(c) When consistent with the purposes of this Act and the reports and findings of the Secretary of the Interior prepared in accordance with section 2, land, waters, and interests therein may be acquired by Federal construction agencies for the wildlife conservation and development purposes of this Act in connection with a project as reasonably needed to preserve and assure for the public benefit the wildlife potentials of the particular project area: Provided, That before properties are acquired for this purpose, the probable extent of such acquisition shall be set forth, along with other data necessary for project authorization, in a report submitted to the Congress, or in the case of a project previously authorized, no such properties shall be acquired unless specifically authorized by Congress, if specific authority for such acquisition is recommended by the construction agency.

(d) Properties acquired for the purposes of this section shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition.

(e) Federal lands acquired or withdrawn for Federal water-resource purposes and made available to the States or to the Secretary of the Interior for wildlife management purposes, shall be made available for such purposes in accordance with this Act, notwithstanding other provisions of law.

(f) Any lands acquired pursuant to this section by any Federal agency within the exterior boundaries of a national forest shall, upon acquisition, be added to and become national forest lands, and shall be administered as a part of the forest within which they are situated, subject to all laws applicable to lands acquired under the provisions of the Act of March 1, 1911 (36 Stat. 961), unless such lands are acquired to carry out the National Migratory Bird Management Program.

SEC. 4. Such areas as are made available to the Secretary of the Interior for the purposes of this Act, pursuant to sections 1 and 3 or pursuant to any other authorization, shall be administered by him directly or in accordance with cooperative agreements entered into pursuant to the provisions of the first section of this Act and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as may be adopted by the Secretary in accordance with general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas: Provided, That such rules and regulations shall not be inconsistent with the laws for the protection of fish and game of the States in which such area is situated (16 U. S. C., sec. 664): Provided further, That lands having value to the National Migratory Bird Management Program may, pursuant to general plans, be made available without cost directly to the State agency having control over wildlife resources, if it is jointly determined by the Secretary of the Interior and such State agency that this would be in the public interest: And provided further, That the Secretary of the Interior shall have the right to assume the management and administration of such lands in behalf of the National Migratory Bird Management Program if the Secretary finds that the State agency has withdrawn from or otherwise relinquished such management and administration.

WATERSHED PROTECTION AND FLOOD PREVENTION ACT (PUBLIC LAW 566, 83D CONG.; 68 STAT. 666), AS AMENDED BY THE ACT OF AUGUST 7, 1956 (PUBLIC LAW 1018, 84TH CONG.; 70 STAT. 1088) (16 U. S. C., SECS. 1001-1007)

AN ACT To authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; and that it is the sense of Congress that the Federal Government should cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages and of furthering the conservation, development, utilization, and disposal of water and thereby of preserving and protecting the Nation's land and water resources.

SEC. 2. For the purposes of this Act, the following terms shall mean: The "Secretary"—the Secretary of Agriculture of the United States. "Works of improvement"—any undertaking for—

(1) flood prevention (including structural and land treatment measures) or

(2) the conservation, development, utilization, and disposal of water

in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than five thousand acre-feet of floodwater detention capacity, and more than twenty-five thousand acre-feet of total capacity. No appropriation shall be made for any plan involving an estimated Federal contribution to construction costs in excess of \$250,000, or which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the appropriate committees of the Senate and House of Representatives: *Provided*, That in the case of any plan involving no single structure providing more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and in the case of any plan involving any single structure of more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Public Works of the Senate and the Committee on Public Works of the House of Representatives, respectively. A number of such subwatersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.

"Local organization"—any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement.

SEC. 3. In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is author-

ized, upon application of local organizations if such application has been submitted to, and not disapproved within forty-five days by, the State agency having supervisory responsibility over programs provided for in this Act, or by the Governor if there is no State agency having such responsibility—

(1) to conduct such investigations and surveys as may be necessary to prepare plans for works of improvement;

(2) to prepare plans and estimates required for adequate engineering evaluation;

(3) to make allocations of costs to the various purposes to show the basis of such allocations and to determine whether benefits exceed costs;

(4) to cooperate and enter into agreements with and to furnish financial and other assistance to local organizations: *Provided*, That, for the land treatment measures, the Federal assistance shall not exceed the rate of assistance for similar practices under existing national programs;

(5) to obtain the cooperation and assistance of other Federal agencies in carrying out the purposes of this section.

SEC. 4. The Secretary shall require as a condition to providing Federal assistance for the installation of works of improvement that local organizations shall—

(1) acquire without cost to the Federal Government such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with Federal assistance;

(2) assume (A) such proportionate share, as is determined by the Secretary to be equitable in consideration of the direct identifiable benefits, of the costs of installing any works of improvement, involving Federal assistance, which is applicable to the agricultural phases of the conservation, development, utilization, and disposal of water, and (B) all of the cost of installing any portion of such works applicable to other purposes except that any part of the construction cost (including engineering costs) applicable to flood prevention and features relating thereto shall be borne by the Federal Government and paid for by the Secretary out of funds appropriated for the purposes of this Act;

(3) make arrangements satisfactory to the Secretary for defraying costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture;

(4) acquire, or provide assurance that landowners or water users have acquired, such water rights, pursuant to State law, as may be needed in the installation and operation of the work of improvement;

(5) obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the lands situated in the drainage area above each retention reservoir to be installed with Federal assistance; and

(6) submit a plan of repayment satisfactory to the Secretary for any loan or advancement made under the provisions of section 8.

SEC. 5. At such time as the Secretary and the interested local organization have agreed on a plan for works of improvement, and

the Secretary has determined that the benefits exceed the costs, and the local organization has met the requirements for participation in carrying out the works of improvement as set forth in section 4, the local organization with such assistance as it may request from the Secretary, which assistance the Secretary is hereby authorized to give, shall secure engineering and other services, including the design, preparation of contracts and specifications, awarding of contracts, and supervision of construction, in connection with such works of improvement, and in order to properly carry out such services in such projects as to such structures therein providing for municipal or industrial water supplies, the local organization shall, and in such projects not providing for municipal or industrial water supplies, the local organization may, retain or employ a professional engineer or engineers satisfactory to the Secretary, and the Secretary shall reimburse the local organization for the cost it may incur for the services of such engineer or engineers as is properly chargeable to such works of improvement, except that if the local organization decides not to retain or employ a professional engineer or if the Secretary determines that competent engineering services are not available he may contract for a competent engineer to provide such services or arrange for employees of the Federal Government to provide such services: *Provided*, That at the request of the local organization which retains or employs a professional engineer or engineers as aforesaid, the Secretary may advance such amounts as may be necessary to pay for such services, but such advances with respect to any works of improvement shall not exceed 5 per centum of the estimated total cost of such works: *Provided further*, That, except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure unless there is no local organization authorized by State law to undertake such construction or to enter into such contract, and in no event after July 1, 1956: *Provided*, That in participating in the installation of such works of improvement the Secretary, as far as practicable and consistent with his responsibilities for administering the overall national agricultural program, shall utilize the authority conferred upon him by the provisions of this Act: *Provided further*, That whenever the estimated Federal contribution to the construction cost of works of improvement in any watershed or subwatershed area shall exceed \$250,000 or the works of improvement include any structure having a total capacity in excess of twenty-five hundred acre-feet, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President: *Provided further*, That any such plan involving an estimated Federal contribution to construction costs in excess of \$250,000 or containing any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes reclamation or irrigation works or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, or (b) which includes Federal assistance for floodwater detention structures, shall be submitted to the Secretary of the Interior or the Secretary of the Army, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, and the Secretary of the Army, if received by the Secretary of Agriculture prior to the expira-

tion of the above thirty-day period, shall accompany the plan transmitted by the Secretary of Agriculture to the Congress through the President: *Provided further*, That, prior to any Federal participation in the works of improvement under this Act, the President shall issue such rules and regulations as he deems necessary or desirable to carry out the purposes of this Act, and to assure the coordination of the work authorized under this Act and related work of other agencies including the Department of the Interior and the Department of the Army.

SEC. 6. The Secretary is authorized in cooperation with other Federal and with States and local agencies to make investigations and surveys of the watersheds of rivers and other waterways as a basis for the development of coordinated programs. In areas where the programs of the Secretary of Agriculture may affect public or other lands under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture in the planning and development of works or programs for such lands.

SEC. 7. The provisions of the Act of June 22, 1936 (49 Stat. 1570), as amended and supplemented, conferring authority upon the Department of Agriculture under the direction of the Secretary of Agriculture to make preliminary examinations and surveys and to prosecute works of improvement for runoff and waterflow retardation and soil erosion prevention on the watersheds of rivers and other waterways are hereby repealed: *Provided*, That (a) the authority of that Department of Agriculture, under the direction of the Secretary, to prosecute the works of improvement for runoff and waterflow retardation and soil erosion prevention authorized to be carried out by the Department by the Act of December 22, 1944 (58 Stat. 887), as amended, and (b) the authority of the Secretary of Agriculture to undertake emergency measures for runoff retardation and soil erosion prevention authorized to be carried out by section 7 of the Act of June 28, 1938 (52 Stat. 1215), as amended by section 216 of the Act of May 17, 1950 (64 Stat. 163), shall not be affected by the provisions of this section.

SEC. 8. The Secretary is authorized to make loans or advancements to local organizations to finance the local share of costs of carrying out works of improvement provided for in this Act. Such loans or advancements shall be made under contracts or agreements which will provide, under such terms and conditions as the Secretary deems appropriate, for the repayment thereof in not more than fifty years from the date when the principal benefits of the works of improvement first become available, with interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which the loan or advancement is made, which are neither due nor callable for redemption for fifteen years from date of issue. With respect to any single plan for works of improvement, the amount of any such loan or advancement shall not exceed five million dollars.

SEC. 9. The provisions of this Act shall be applicable to Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, such sums to remain available until expended.

SEC. 11. This Act may be cited as the "Watershed Protection and Flood Prevention Act".

SEC. 12. *When the Secretary approves the furnishing of assistance to a local organization in preparing a plan for works of improvement as provided for in section 3:*

(1) *The Secretary shall so notify the Secretary of the Interior in order that the latter, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement that is acceptable to the local organization and the Secretary of Agriculture.*

(2) *Full consideration shall be given to the recommendations contained in any such report of the Secretary of the Interior as he may submit to the Secretary of Agriculture prior to the time the local organization and the Secretary of Agriculture have agreed on a plan for works of improvement. The plan shall include such of the technically and economically feasible works of improvement for wildlife purposes recommended in the report by the Secretary of the Interior as are acceptable to, and agreed to by, the local organization and the Secretary of Agriculture, and such report of the Secretary of the Interior shall, if requested by the Secretary of the Interior, accompany the plan for works of improvement when it is submitted to the Secretary of Agriculture for approval or transmitted to the Congress through the President.*

(3) *The cost of making surveys and investigations and of preparing reports concerning the conservation and development of wildlife resources shall be borne by the Secretary of the Interior out of funds appropriated to his Department.*

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Calendar No. 2027

85TH CONGRESS
2D SESSION

H. R. 13138

[Report No. 1981]

IN THE SENATE OF THE UNITED STATES

JULY 22, 1958

Read twice and referred to the Committee on Interstate and Foreign Commerce

JULY 28, 1958

Reported by Mr. MAGNUSON, without amendment

AN ACT

To amend the Act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Act of March 10, 1934, as amended, and as further
4 amended by this Act may be cited as the “Fish and Wildlife
5 Coordination Act”.

6 SEC. 2. The first four sections of the Act entitled “An
7 Act to promote the conservation of wildlife, fish, and game,
8 and for other purposes”, approved March 10, 1934 (16

1 U. S. C., secs. 661–664, inclusive) are amended to read as
2 follows:

3 “For the purpose of recognizing the vital contribution
4 of our wildlife resources to the Nation, the increasing public
5 interest and significance thereof due to expansion of our na-
6 tional economy and other factors, and to provide that wildlife
7 conservation shall receive equal consideration and be coor-
8 dinated with other features of water-resource development
9 programs through the effectual and harmonious planning,
10 development, maintenance, and coordination of wildlife con-
11 servation and rehabilitation for the purposes of this Act in
12 the United States, its Territories and possessions, the Secre-
13 tary of the Interior is authorized (1) to provide assistance
14 to, and cooperate with, Federal, State, and public or private
15 agencies and organizations in the development, protection,
16 rearing, and stocking of all species of wildlife, resources
17 thereof, and their habitat, in controlling losses of the same
18 from disease or other causes, in minimizing damages from
19 overabundant species, in providing public shooting and fish-
20 ing areas, including easements across public lands for access
21 thereto, and in carrying out other measures necessary to ef-
22 fectuate the purposes of this Act; (2) to make surveys and
23 investigations of the wildlife of the public domain, including
24 lands and waters or interests therein acquired or controlled
25 by any agency of the United States; and (3) to accept dona-

1 tions of land and contributions of funds in furtherance of the
2 purposes of this Act.

3 “SEC. 2. (a) Except as hereafter stated in subsection
4 (h) of this section, whenever the waters of any stream or
5 other body of water are proposed or authorized to be im-
6 pounded, diverted, the channel deepened, or the stream or
7 other body of water otherwise controlled or modified for any
8 purpose whatever, including navigation and drainage, by
9 any department or agency of the United States, or by any
10 public or private agency under Federal permit or license,
11 such department or agency first shall consult with the United
12 States Fish and Wildlife Service, Department of the In-
13 terior, and with the head of the agency exercising adminis-
14 tration over the wildlife resources of the particular State
15 wherein the impoundment, diversion, or other control
16 facility is to be constructed, with a view to the conservation
17 of wildlife resources by preventing loss of and damage to
18 such resources as well as providing for the development
19 and improvement thereof in connection with such water-
20 resource development.

21 “(b) In furtherance of such purposes, the reports and
22 recommendations of the Secretary of the Interior on the wild-
23 life aspects of such projects, and any report of the head of the
24 State agency exercising administration over the wildlife re-
25 sources of the State, based on surveys and investigations con-

1 ducted by the United States Fish and Wildlife Service and
2 such State agency for the purpose of determining the possi-
3 ble damage to wildlife resources and for the purposes of deter-
4 mining means and measures that should be adopted to prevent
5 the loss of or damage to such wildlife resources, as well as to
6 provide concurrently for the development and improvement
7 of such resources, shall be made an integral part of any report
8 prepared or submitted by any agency of the Federal Gov-
9 ernment responsible for engineering surveys and construction
10 of such projects when such reports are presented to the Con-
11 gress or to any agency or person having the authority or the
12 power, by administrative action, or otherwise, (1) to au-
13 thorize the construction of water-resource development proj-
14 ects or (2) to approve a report on the modification or sup-
15 plementation of plans for previously authorized projects, to
16 which this Act applies. Recommendations of the Secretary
17 of the Interior shall be as specific as is practicable with re-
18 spect to features recommended for wildlife conservation and
19 development, lands to be utilized or acquired for such pur-
20 poses, the results expected, and shall describe the damage to
21 wildlife attributable to the project and the measures proposed
22 for mitigating or compensating for these damages. The re-
23 porting officers in project reports of the Federal agencies
24 shall give full consideration to the report and recommenda-

1 tions of the Secretary of the Interior and to any report of the
2 State agency on the wildlife aspects of such projects, and the
3 project plan shall include such justifiable means and meas-
4 ures for wildlife purposes as the reporting agency finds should
5 be adopted to obtain maximum overall project benefits.

6 “(c) Federal agencies authorized to construct or operate
7 water-control projects are hereby authorized to modify or
8 add to the structures and operations of such projects, the
9 construction of which has not been substantially completed
10 on the date of enactment of the Fish and Wildlife Coordina-
11 tion Act, and to acquire lands in accordance with section 3
12 of this Act, in order to accommodate the means and measures
13 for such conservation of wildlife resources as an integral part
14 of such projects: *Provided*, That for projects authorized by
15 a specific Act of Congress before the date of enactment of
16 the Fish and Wildlife Coordination Act (1) such modifica-
17 tion or land acquisition shall be compatible with the purposes
18 for which the project was authorized; (2) the cost of such
19 modifications or land acquisition, as means and measures to
20 prevent loss of and damage to wildlife resources to the extent
21 justifiable, shall be an integral part of the cost of such
22 projects; and (3) the cost of such modifications or land
23 acquisition for the development or improvement of wildlife
24 resources may be included to the extent justifiable, and an

1 appropriate share of the cost of any project may be allocated
2 for this purpose with a finding as to the part of such allocated
3 cost, if any, to be reimbursed by non-Federal interests.

4 “(d) The cost of planning for and the construction or
5 installation and maintenance of such means and measures
6 adopted to carry out the conservation purposes of this sec-
7 tion shall constitute an integral part of the cost of such
8 projects: *Provided*, That such cost attributable to the de-
9 velopment and improvement of wildlife shall not extend
10 beyond those necessary for (1) land acquisition, (2) modi-
11 fication of the project, and (3) modification of project
12 operations; but shall not include the operation of wildlife
13 facilities nor the construction of such facilities beyond those
14 herein described: *And provided further*, That, in the case
15 of projects authorized to be constructed, operated, and main-
16 tained in accordance with the Federal reclamation laws
17 (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory
18 thereof or supplementary thereto), the Secretary of the
19 Interior, in addition to allocations made under section 9 of
20 the Reclamation Project Act of 1939 (53 Stat. 1187),
21 shall make findings on the part of the estimated cost of the
22 project which can properly be allocated to means and
23 measures to prevent loss of and damage to wildlife resources,
24 which costs shall not be reimbursable, and an appropriate

1 share of the project costs may be allocated to development
2 and improvement of wildlife resources, with a finding as to
3 the part of such allocated costs, if any, to be reimbursed by
4 non-Federal fish and wildlife agencies or interests.

5 “(e) In the case of construction by a Federal agency,
6 that agency is authorized to transfer to the United States
7 Fish and Wildlife Service, out of appropriations or other
8 funds made available for investigations, engineering, or con-
9 struction, such funds as may be necessary to conduct all or
10 part of the investigations required to carry out the purposes
11 of this section.

12 “(f) In addition to other requirements, there shall be
13 included in any report submitted to Congress supporting a
14 recommendation for authorization of any new project for the
15 control or use of water as described herein (including any
16 new division of such project or new supplemental works
17 on such project) an estimation of the wildlife benefits or
18 losses to be derived therefrom including benefits to be derived
19 from measures recommended specifically for the development
20 and improvement of wildlife resources, the cost of providing
21 wildlife benefits (including the cost of additional facilities
22 to be installed or lands to be acquired specifically for that
23 particular phase of wildlife conservation relating to the
24 development and improvement of wildlife), the part of the

1 cost of joint-use facilities allocated to wildlife, and the part
2 of such costs, if any, to be reimbursed by non-Federal
3 interests.

4 “(g) The provisions of this section shall be applicable
5 with respect to any project for the control or use of water
6 as prescribed herein, or any unit of such project authorized
7 before or after the date of enactment of the Fish and Wild-
8 life Coordination Act for planning or construction, but shall
9 not be applicable to any project or unit thereof authorized
10 before the date of enactment of the Fish and Wildlife Coordi-
11 nation Act if the construction of the particular project or unit
12 thereof has been substantially completed. A project or unit
13 thereof shall be considered to be substantially completed
14 when sixty percent or more of the estimated construction
15 cost has been obligated for expenditure.

16 “(h) The provisions of this Act shall not be applicable
17 to those projects for the impoundment of water where the
18 maximum surface area of such impoundments is less than
19 ten acres, nor to activities for or in connection with pro-
20 grams primarily for land management and use carried out
21 by Federal agencies with respect to Federal lands under their
22 jurisdiction.

23 “SEC. 3. (a) Subject to the exceptions prescribed in
24 section 2 (h) of this Act, whenever the waters of any
25 stream or other body of water are impounded, diverted,

1 the channel deepened, or the stream or other body of water
2 otherwise controlled or modified for any purpose whatever,
3 including navigation and drainage, by any department or
4 agency of the United States, adequate provision, consistent
5 with the primary purposes of such impoundment, diversion,
6 or other control, shall be made for the use thereof, together
7 with any areas of land, water, or interests therein, acquired
8 or administered by a Federal agency in connection there-
9 with, for the conservation, maintenance, and management
10 of wildlife resources thereof, and its habitat thereon, includ-
11 ing the development and improvement of such wildlife
12 resources pursuant to the provisions of section 2 of this
13 Act.

14 “(b) The use of such waters, land, or interests therein
15 for wildlife conservation purposes shall be in accordance with
16 general plans approved jointly (1) by the head of the par-
17 ticular department or agency exercising primary administra-
18 tion in each instance, (2) by the Secretary of the Interior,
19 and (3) by the head of the agency exercising the administra-
20 tion of the wildlife resources of the particular State wherein
21 the waters and areas lie. Such waters and other interests
22 shall be made available, without cost for administration, by
23 such State agency, if the management of the properties relate
24 to the conservation of wildlife other than migratory birds,
25 or by the Secretary of the Interior, for administration in such

1 manner as he may deem advisable, where the particular
2 properties have value in carrying out the national migratory
3 bird management program: *Provided*, That nothing in this
4 section shall be construed as affecting the authority of the
5 Secretary of Agriculture to cooperate with the States or in
6 making lands available to the States with respect to the
7 management of wildlife and wildlife habitat on lands ad-
8 ministered by him.

9 “(c) When consistent with the purposes of this Act and
10 the reports and findings of the Secretary of the Interior pre-
11 pared in accordance with section 2, land, waters, and in-
12 terests therein may be acquired by Federal construction
13 agencies for the wildlife conservation and development pur-
14 poses of this Act in connection with a project as reasonably
15 needed to preserve and assure for the public benefit the wild-
16 life potentials of the particular project area: *Provided*, That
17 before properties are acquired for this purpose, the probable
18 extent of such acquisition shall be set forth, along with other
19 data necessary for project authorization, in a report sub-
20 mitted to the Congress, or in the case of a project previously
21 authorized, no such properties shall be acquired unless spe-
22 cifically authorized by Congress, if specific authority for such
23 acquisition is recommended by the construction agency.

24 “(d) Properties acquired for the purposes of this sec-
25 tion shall continue to be used for such purposes, and shall

1 not become the subject of exchange or other transactions if
2 such exchange or other transaction would defeat the initial
3 purpose of their acquisition.

4 “(e) Federal lands acquired or withdrawn for Federal
5 water-resource purposes and made available to the States or
6 to the Secretary of the Interior for wildlife management
7 purposes, shall be made available for such purposes in
8 accordance with this Act, notwithstanding other provisions
9 of law.

10 “(f) Any lands acquired pursuant to this section by any
11 Federal agency within the exterior boundaries of a national
12 forest shall, upon acquisition, be added to and become
13 national forest lands, and shall be administered as a part
14 of the forest within which they are situated, subject to all
15 laws applicable to lands acquired under the provisions of
16 the Act of March 1, 1911 (36 Stat. 961), unless such lands
17 are acquired to carry out the National Migratory Bird Man-
18 agement Program.

19 “SEC. 4. Such areas as are made available to the Secre-
20 tary of the Interior for the purposes of this Act, pursuant to
21 sections 1 and 3 or pursuant to any other authorization, shall
22 be administered by him directly or in accordance with co-
23 operative agreements entered into pursuant to the provisions
24 of the first section of this Act and in accordance with such
25 rules and regulations for the conservation, maintenance, and

1 management of wildlife, resources thereof, and its habitat
2 thereon, as may be adopted by the Secretary in accordance
3 with general plans approved jointly by the Secretary of
4 the Interior and the head of the department or agency exer-
5 cising primary administration of such areas: *Provided*, That
6 such rules and regulations shall not be inconsistent with the
7 laws for the protection of fish and game of the States in
8 which such area is situated (16 U. S. C., sec. 664) : *Pro-*
9 *vided further*, That lands having value to the National
10 Migratory Bird Management Program may, pursuant to
11 general plans, be made available without cost directly to the
12 State agency having control over wildlife resources, if it is
13 jointly determined by the Secretary of the Interior and such
14 State agency that this would be in the public interest: *And*
15 *provided further*, That the Secretary of the Interior shall have
16 the right to assume the management and administration of
17 such lands in behalf of the National Migratory Bird Man-
18 agement Program if the Secretary finds that the State
19 agency has withdrawn from or otherwise relinquished such
20 management and administration.”

21 SEC. 3. The Watershed Protection and Flood Preven-
22 tion Act, as amended (16 U. S. C., secs. 1001–1007, in-
23 clusive), is amended by adding at the end thereof the
24 following new section:

25 “SEC. 12. When the Secretary approves the furnish-

1 ing of assistance to a local organization in preparing a plan
2 for works of improvement as provided for in section 3:

3 “(1) The Secretary shall so notify the Secretary of the
4 Interior in order that the latter, as he desires, may make
5 surveys and investigations and prepare a report with recom-
6 mendations concerning the conservation and development of
7 wildlife resources and participate, under arrangements satis-
8 factory to the Secretary of Agriculture, in the preparation
9 of a plan for works of improvement that is acceptable to the
10 local organization and the Secretary of Agriculture.

11 “(2) Full consideration shall be given to the recom-
12 mendations contained in any such report of the Secretary
13 of the Interior as he may submit to the Secretary of Agri-
14 culture prior to the time the local organization and the
15 Secretary of Agriculture have agreed on a plan for works
16 of improvement. The plan shall include such of the tech-
17 nically and economically feasible works of improvement for
18 wildlife purposes recommended in the report by the Secre-
19 tary of the Interior as are acceptable to, and agreed to by,
20 the local organization and the Secretary of Agriculture, and
21 such report of the Secretary of the Interior shall, if re-
22 quested by the Secretary of the Interior, accompany the plan
23 for works of improvement when it is submitted to the Secre-
24 tary of Agriculture for approval or transmitted to the Con-
25 gress through the President.

1 “(3) The cost of making surveys and investigations
2 and of preparing reports concerning the conservation and
3 development of wildlife resources shall be borne by the
4 Secretary of the Interior out of funds appropriated to his
5 Department.”

6 SEC. 4. There is authorized to be appropriated and ex-
7 pended such funds as may be necessary to carry out the pur-
8 poses of this Act.

Passed the House of Representatives July 21, 1958.

Attest:

RALPH R. ROBERTS,

Clerk.

85TH CONGRESS
2^D SESSION

H. R. 13138

[Report No. 1981]

AN ACT

To amend the Act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

JULY 22, 1958

Read twice and referred to the Committee on
Interstate and Foreign Commerce

JULY 28, 1958

Reported without amendment

Senate July 31, 1958

the Department concerned to make intra-departmental transfers between such limitations. When an appropriation is subject to such a limitation, there shall be charged against it the cost of assets received, payments made and becoming due, and other liabilities becoming payable. At the end of the fiscal year, any unused balance of the limitation shall lapse, except that payments may be made for liabilities incurred within the limitation during the fiscal year for which the limitation was provided. Obligations incurred during the fiscal year concerned, which do not become payable during that year, shall be paid out of the limitation in effect when the obligations become payable. It shall be in order to include accrued-expenditure limitations in appropriation bills that apply to funds previously appropriated. It shall be in order to include, in any appropriation bill, provisions authorizing departmental transfers of unused portions of accrued-expenditure limitations.

Sen. Hayden submitted an amendment to make effective the requirement for accrued-expenditure estimates only if the item is available for obligation for more than 1 year. After debate, the yeas and nays were ordered on the amendment. Sen. Hayden then withdrew his amendment. pp. 14393-5

Sen. Fulbright stated that the Senate had power to initiate expenditure bills and that the Constitution only requires that direct revenue measures, not appropriations, begin in the House. He defended public debt transactions as a financing method and referred to provisions of capital funds for CCC, Public Law 480 operations, etc., as examples. pp. 14379-80

17. INFORMATION. Passed without amendment H. R. 2767 (in place of S. 921, an identical bill), to amend Sec. 161 of the Revised Statutes to state that this section does not authorize the withholding of information or limiting the availability of records to the public. This bill will now be sent to the President. pp. 14356-67
18. WATER DEVELOPMENT. Passed without amendment H. R. 13138, to amend the Coordination Act so as to provide more effective integration of fish and wildlife conservation programs with Federal water development programs. This bill will now be sent to the President. pp. 14381-2
19. PERSONNEL. Passed with amendment H. R. 4640, to amend the Civil Service Retirement Act to permit persons transferring to non-Act positions to retain voluntary contribution accounts. Agreed to a committee amendment to clarify the provisions permitting withdrawal of contributions at any time prior to the receipt of annuity payments. pp. 14367-71
20. FORESTRY. The Interior and Insular Affairs Committee reported without amendment the following bills:
 - S. 3682, to authorize the Secretary to convey certain national forest lands in Ariz. to the Univ. of Ariz. (S. Rept. 2070);
 - H. R. 6038, to authorize transfers of land between the Sequoia National Forest and the Kings Canyon National Park, Calif. (S. Rept. 2079); and
 - H. R. 6198, to authorize the transfer of not more than 10 acres of land from the Sequoia National Park to the Sequoia National Game Refuge in Sequoia National Forest, Calif. (S. Rept. 2080). p. 14343The Interior and Insular Affairs Committee ordered reported without amendment S. 4053, to extend the boundaries of the Siskiyou National Forest, Ore. p. D769
21. BUTTER; MARGARINE. The Armed Services Committee ordered reported without amendment H. R. 912, to provide for the serving of oleomargarine or margarine in the Navy. p. D768

22. REA. Sen. Humphrey inserted the ruling of the Comptroller General of July 21, 1958, on the REA loan to Central Iowa Power Cooperative, which GAO claimed was not authorized by law on the basis that part of the service to be offered paralleled and competed with private industry. He criticized the ruling and asserted that it could have a highly detrimental effect on the REA loan program. Sen. Aiken spoke in favor of the REA program. pp. 14384-8
23. PERSONNEL. Received from the Interior Department a proposed bill "to permit variation of the 40-hour workweek of Federal employees for educational purposes"; to Post Office and Civil Service Committee. p. 14342
24. PUBLIC DEBT. Sen. Martin, Pa., inserted two editorials criticizing the size of the Federal debt, one urging reductions in expenditures to balance the budget and the other criticizing the failure to achieve budget surpluses in recent years of prosperity. pp. 14383-4
25. LEGISLATIVE PROGRAM. Sen. Johnson announced that following consideration of S. 4208, the space agency bill (which was the pending business), the Senate would take up S. 3185, to promote the conservation of fish and wildlife by requiring the Secretary of the Interior to approve certain Federal Power Act licenses. pp. 14395-6

ITEMS IN APPENDIX

26. FARM PROGRAM. Sen. Robertson inserted a newspaper editorial, "Return to a Sound Principle," which commended the farm bill as passed by the Senate, and stated that "the bill represents an important step toward helping farmers adjust their production to market demands instead of depending upon Government subsidies." pp. A6854-55
27. GOVERNMENT ETHICS. Sen. Neuberger inserted two articles discussing the need for establishing a code of ethics for Government service. p. A6855
28. ELECTRIFICATION. Rep. Evins inserted a statement by Rep. Baker on the reasons why the latter thought TVA should have a self-financing program. pp. A6857-58
Extension of remarks of Rep. Broomfield urging the defeat of S. 1869, to provide TVA with the authority to issue bonds to finance the construction of new generating capacity. p. A6878
29. SMALL BUSINESS. Rep. Springer inserted a newspaper editorial urging enactment of legislation to provide tax relief for small business. p. A6858
30. FORESTRY. Sen. Neuberger inserted an editorial from the American Forest magazine, "Sustained Yield Versus Continuous Growth," urging that S. 3051, the Klamath Indian land bill, include provisions for the future management of the forest lands involved on a sustained yield basis. p. A6861
31. TRANSPORTATION. Extension of remarks of Rep. Moore commending the House for passage of S. 3778, the omnibus transportation bill. p. A6862
32. CONSERVATION. Rep. Metcalf praised the work of Dr. Joseph W. Severy, who is retiring from his position as professor of botony at the Montana State University, and stated "he ranged far into the related field of wildlife and resource management to make a solid contribution to conservation throughout the Nation." pp. A6878-79

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read:

A bill to provide for the payment of bounties on dogfish sharks to control the depredations of this species on the fisheries of the Pacific coast.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD certain portions of the report which came from the Committee on Interstate and Foreign Commerce on the bill. The bill was unanimously reported.

There being no objection, the extracts from the report (No. 1979) were ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the amended bill is to control the predatory dogfish sharks. This is to be accomplished by paying fishermen \$10 per ton for unlivered dogfish sharks, or 10 cents a pound for dogfish shark livers. These payments are to be made to domestic fish producers or otherwise as the Secretary of the Interior shall determine.

PREDATOR CONTROL

This bill is an attempt to reestablish the balance of nature intended between food, sports fish, and a major predator. In recent years, dogfish sharks have increased tremendously in numbers and have increased out of all proportion in their relation to food and game fish, whose numbers have been decreased by the inroads of industrial development.

Unless a natural balance is restored, depletion of our food fish will ultimately result. The diet of the dogfish shark consists principally of such fish as young salmon, bottom fish, sole, cod, and crabs.

There is little purpose in maintaining fish hatcheries and having more and more of the escaping fry consumed on their way to the sea. These dogfish sharks infest waters from the State of Oregon to the southeastern shores of the State of Alaska. This is the area of our great salmon migration for the entire Pacific, the home of the Dungeness crab and our North Pacific bottom-fish industry.

S. 2719, in its original form, would have provided bounties of \$10 per ton for unlivered dogfish sharks, 10 cents per pound for dogfish shark livers, \$20 per ton for lamprey eels, and \$40 per ton for hair seals and sea lions. In this form the bill was objected to by Assistant Secretary of the Interior Ross Leffler. Regarding dogfish sharks, he advised your committee:

"With respect to dogfish sharks, it is my understanding that they are a problem of considerable proportion to the fishermen in the State of Washington, particularly in Puget Sound. You are quite right in assuming that they can best be taken by fishermen. In fact I doubt there is any other way in which they could be taken successfully."

There is now a limited market for dogfish shark livers, at from 8 to 12 cents a pound. The addition of 10 cents per pound bounty would provide sufficient incentive to increase the number of vessels operating on dogfish manyfold. This will encourage the processors and manufacturers of fish byproducts to enlarge and modernize their plants. Unlivered dogfish sharks will be used for fertilizer and for pet food.

Pacific coast trawl vessels are hampered in their operating by hordes of dogfish sharks. At times the major portion of their

drag will consist of these valueless pests which now are only thrown back into the sea. Trollers and sportsmen have been forced to abandon historic fishing areas that have been plagued with these fish. The loss of gear attributable to dogfish sharks amounts to thousands of dollars yearly because of the unwelcome capture of nets full of the predator. Our fishermen are anxious to get on with the drive to eliminate them from once-valuable fishing areas, and the income from the proposed bounties will mean a great deal to an important industry, which is now in a depressed condition.

Prior to the importation of low-cost vitamin oil and the synthesis of vitamin A, the value of dogfish liver to the commercial fisherman during the peak years, 1940-43, ranged from 5 cents in June 1940 to a top of 54 cents per pound in August of 1943. This rapid increase in price logically brought about a comparable increase in fishing effort on the dogfish stocks during these years resulting in landings, in the State of Washington alone, of roughly 2 million pounds of liver or an approximate production of about 20 million pounds of round dogfish. This production in 1957 amounted to only 1,372,014 pounds. Obviously, the reduction in catch from near 20 million pounds in 1942 to just over a million pounds last year, has caused a tremendous increase in stocks of fish.

On the basis of last year's catch, this bill would result in bounty payments of approximately \$138,000. On the other hand, the best estimate your committee received indicated that dogfish sharks consume 5 times their weight in food fish per year, with a value of over 10 times the cost of the bounty involved.

Your committee believes the enactment of the bill will do a great deal for the preservation of the Pacific coast fisheries.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MAGNUSON. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington to lay on the table.

The motion to lay on the table was agreed to.

INTEGRATION OF A FISH AND WILDLIFE CONSERVATION PROGRAM

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2027, H. R. 13138.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 13138) to amend the act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water resource developments, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD certain portions of the report explaining the bill.

There being no objection, the extracts from the Report (No. 1981) were ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This amendment to the Coordination Act would grant authority to the agencies of Government engaged in construction to consult with the Fish and Wildlife Service before and during the building of Federal water development projects.

The Fish and Wildlife Service would make known to these construction agencies, such as the Corps of Engineers and the Bureau of Reclamation, the project necessary to protect fish and wildlife. Considerable study would be required in some cases, with suggested changes in construction plans to the great advantage of our wildlife resource. Under the bill suggestions regarding changes could be made previous to the commencement of construction. Such plans, or recommendations, whether accepted or rejected by the construction agency, would be submitted to the Congress at the time authorization legislation for the project was under consideration.

The bill would amend the Watershed Protection and Flood Prevention Act which is administered by the Department of Agriculture. It is designed to provide for greater consideration of fish and wildlife conservation in the Federal water-resource development program. Enactment of the bill would not retard that program but should help significantly in permitting Federal water development to serve the interest of a much larger share of our population.

The Secretary of Agriculture would be required to notify the Department of the Interior on any construction plans which concern the conservation and development of wildlife resources. The Secretary of Agriculture would give full consideration to any plans submitted to him by the Fish and Wildlife Service.

The Congress recognized the need for greater emphasis on fish and wildlife conservation through the enactment of the Fish and Wildlife Act of August 8, 1956 (70 Stat. 1119). This act specifically pointed to the need to maintain and increase these resources through proper development and management. The Congress also directed the Secretary of the Interior to take such steps as may be required for the betterment of fish and wildlife resources, and to make such recommendations for additional legislation as deemed necessary.

H. R. 13138 in the form reported by your committee is based on the recommendations of the Secretary of the Interior contained in a letter to the committee dated April 1, 1958. That letter stated, in part:

"* * * we have discussed this proposed legislation with other interested departments, including particularly, the Department of Agriculture and the Department of the Army. The bill as transmitted herewith has their concurrence."

The bill enjoys exceptionally enthusiastic and widespread support. Every one of the 48 State governors, or their authorized representatives, had expressed general endorsement of an earlier version of this bill, according to the Secretary of the Interior. Every major national conservation organization supports it. The bill has the wholehearted endorsement of the commercial fishing industry. As noted above, the Secretary of the Interior sponsored the bill and states that the administration, including all of the other affected Federal departments, supports the bill. The committee has received a very large number of written endorsements from all parts of the country.

Unquestionably, the bill, if enacted, would result in the Congress having better information on the effects of water projects on fish and wildlife resources while considering project-authorizing legislation. It will then, of course, be for the Congress to decide what

conservation measures should be incorporated in any project.

The Congress, moreover, would retain full control, though its consideration of project-authorizing legislation, and the review of supplemental reports, in the case of projects already authorized, of any costs incurred for fish and wildlife conservation purposes.

THE PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H. R. 13138) was ordered to a third reading, read the third time, and passed.

MR. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

MR. MAGNUSON. Mr. President, I move to lay that motion on the table.

THE PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

MR. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration S. 4208.

THE PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

THE LEGISLATIVE CLERK. A bill (S. 4208) to authorize appropriations to the National Aeronautics and Space Administration for construction and other purposes.

THE PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

INCREASED SOCIAL SECURITY BENEFITS

MR. REVERCOMB. Mr. President, the 85th Congress can point with justifiable pride to its accomplishments to date. Most Americans will agree, I believe, that the session now drawing to a close has been a most productive one from the standpoint of constructive legislation.

Positive steps have been taken to meet the new and complex problems of what is often described as the most rapidly changing age in history. Numerous measures have been adopted to strengthen our defenses, to combat the recession, to prepare for space-age developments, and to meet many other urgent problems that have confronted the country.

There is one important field, however, in which no action has yet been taken. I refer to the social security system. It is imperative, I feel, that the 85th Congress enact legislation to make this program more responsive to our modern economy and to the basic needs of our older people and those who are handicapped to the extent that they are unable to secure gainful employment.

The House now has before it a bill that would provide a cost-of-living increase

for the Nation's social-security beneficiaries. I strongly favor an increase in benefits and expect to support that bill if it passes the House and comes before the Senate.

As we know, any bill dealing with social security must first be acted upon by the House before the Senate can take any action upon it.

It is my feeling, however, that Congress must go further in this field if we are to meet the social problems of this industrial age. I am strongly in favor of lowering the minimum retirement age and liberalizing the disability provisions of the Social Security Act. These changes are necessary if we are to make the social security program meet the needs of the times.

I have introduced bills in the Senate that would accomplish both objectives. One of the bills I have introduced would reduce the retirement age from 65 to 62 and pay full benefits to both men and women at that age. This added purchasing power in the hands of our senior citizens for life's essentials—food, clothing, and shelter—will help our economy and at the same time promote the long-range objectives of the Social Security Act.

MR. PRESIDENT, several years ago I offered an amendment to provide for the lowering of the social security age of retirement from 65 to 60. The amendment was not agreed to, so I now ask the Congress to lower the age from 65 to 62, for the reasons I state before the Senate today.

This bill would dispel two myths which have been perpetuated too long about our social security system. One is that the retirement age of 65 is sacrosanct and should be preserved at all cost. The other is that everybody immediately applies for benefits when he reaches the retirement age set for social security.

The fact of the matter is that the age 65 figure was chosen quite arbitrarily back in 1935 when the system was established. Prof. Wilbur Cohen, who was a member of the staff of the Committee on Economic Security, whose recommendations formed the basis of the original act, has recently given us the inside story. He wrote:

Although the committee studied many alternative financing proposals as a basis for making its recommendations for a contributory old age insurance plan, every proposal considered was based upon 65 as the retirement age and upon retirement from work as a condition for eligibility. The committee made no detailed studies of alternative ages or of any proposals for voluntary retirement at earlier ages or of compulsory retirement or of any flexible retirement program in relation to the disability of an individual.

Inasmuch as the original plan has been substantially changed in other areas, to meet the new and revolutionary changes in our economy, it has always seemed strange to me that the age 65 for retirement, which is based on an unexamined premise, should have been considered a cornerstone of the act for so long a time. Indeed, this provision went unchallenged for over 20 years, until the last Congress made a small crack in the retirement age barrier.

It was challenged, I will say, in 1948, when I sought to have the Senate reduce the retirement age from 65 to 60, but that proposal was not accepted at the time. Again I say my proposal now would reduce retirement age to 62, and that proposal will be before the Senate if the House will pass its social security bill.

In these 1956 amendments, as Senators will recall, widows and dependent mothers were made eligible for full benefits at age 62, while wives and women workers could apply for actuarially reduced benefits at the same age. This important step provided much-needed benefits to many American women—as is demonstrated by the way they responded to it—but it discriminated against a great number of women who surrendered a portion of their benefits each month for the rest of their lives. And it failed entirely to recognize the critical situation in which many men find themselves between the ages of 62 and 65.

If we reduce the retirement age to 62 for both men and women, some 1,200,000 women between the ages of 62 and 65 will become eligible for benefits, and the same opportunity would be extended to some 1,825,000 men. Certainly a large majority of these persons, if gainfully employed and in good health, would choose to continue working—for the myth that age 65 is the age that a man will retire completely ignores individual situations and the vicissitudes of life.

I have been appalled by the large number of older workers who have written to me to point out that they are too disabled to compete in the labor field with their younger contemporaries; yet, they cannot qualify, because of one reason or another, for the cash disability benefits which were authorized by the 1956 amendments.

A decade ago, during my previous term in the Senate, I introduced a bill providing for disability payments to workers of any age who became permanently disabled. That bill was not enacted into law at the time. Nevertheless, the 84th Congress saw the wisdom of extending social-security benefits to permanently disabled workers of 50 or over who are covered by the act. However, the provisions of Public Law 880 have been so rigidly interpreted that many disabled workers are unable to qualify for much-needed benefits. I do not believe it was the intent of the 84th Congress to make it all but impossible for those unable to work by reason of physical or mental impairments to obtain social-security benefits.

MR. PRESIDENT, I still believe the time will come, under this insurance plan, when any person who becomes permanently and totally disabled at any age will have benefits accrue to him. I think that is proper, and sound, and it would be done under any private insurance plan. However, the step taken for the permanently disabled, to reduce the age from 65 to 50, is certainly a step in the right direction.

Now I wish to comment upon some provisions of the law and the administration of them.

Public Law 85-624
85th Congress, H. R. 13138
August 12, 1958

AN ACT

To amend the Act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 10, 1934, as amended, and as further amended by this Act may be cited as the "Fish and Wildlife Coordination Act".

SEC. 2. The first four sections of the Act entitled "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U. S. C., secs. 661-664, inclusive) are amended to read as follows:

"For the purpose of recognizing the vital contribution of our wildlife resources to the Nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation for the purposes of this Act in the United States, its Territories and possessions, the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of this Act; (2) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (3) to accept donations of land and contributions of funds in furtherance of the purposes of this Act.

"SEC. 2. (a) Except as hereafter stated in subsection (h) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.

"(b) In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to prevent

Fish and Wildlife Coordination Act.

48 Stat. 401.

Wildlife conservation.

Cooperation of agencies.

72 Stat. 563.

72 Stat. 564.

Surveys and investigations.

Donations.

Interagency water control consultation.

Reports and recommendations.

the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action or otherwise, (1) to authorize the construction of water-resource development projects or (2) to approve a report on the modification or supplementation of plans for previously authorized projects, to which this Act applies. Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development, lands to be utilized or acquired for such purposes, the results expected, and shall describe the damage to wildlife attributable to the project and the measures proposed for mitigating or compensating for these damages. The reporting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations of the Secretary of the Interior and to any report of the State agency on the wildlife aspects of such projects, and the project plan shall include such justifiable means and measures for wildlife purposes as the reporting agency finds should be adopted to obtain maximum overall project benefits.

Modification
of projects.

72 Stat. 564.
72 Stat. 565.

“(c) Federal agencies authorized to construct or operate water-control projects are hereby authorized to modify or add to the structures and operations of such projects, the construction of which has not been substantially completed on the date of enactment of the Fish and Wildlife Coordination Act, and to acquire lands in accordance with section 3 of this Act, in order to accommodate the means and measures for such conservation of wildlife resources as an integral part of such projects: *Provided*, That for projects authorized by a specific Act of Congress before the date of enactment of the Fish and Wildlife Coordination Act (1) such modification or land acquisition shall be compatible with the purposes for which the project was authorized; (2) the cost of such modifications or land acquisition, as means and measures to prevent loss of and damage to wildlife resources to the extent justifiable, shall be an integral part of the cost of such projects; and (3) the cost of such modifications or land acquisition for the development or improvement of wildlife resources may be included to the extent justifiable, and an appropriate share of the cost of any project may be allocated for this purpose with a finding as to the part of such allocated cost, if any, to be reimbursed by non-Federal interests.”

Project costs.

“(d) The cost of planning for and the construction or installation and maintenance of such means and measures adopted to carry out the conservation purposes of this section shall constitute an integral part of the cost of such projects: *Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond those necessary for (1) land acquisition, (2) modification of the project, and (3) modification of project operations; but shall not include the operation of wildlife facilities nor the construction of such facilities beyond those herein described: *And provided further*, That, in the case of projects authorized to be constructed, operated, and maintained in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Secretary of the Interior, in addition to allocations made under section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187), shall make findings on the part of the estimated cost of the project which can properly be allocated to means and measures to prevent loss of and damage to wildlife resources,

43 USC 371
and note.

43 USC 485h.

which costs shall not be reimbursable, and an appropriate share of the project costs may be allocated to development and improvement of wildlife resources, with a finding as to the part of such allocated costs, if any, to be reimbursed by non-Federal fish and wildlife agencies or interests.

“(e) In the case of construction by a Federal agency, that agency is authorized to transfer to the United States Fish and Wildlife Service, out of appropriations or other funds made available for investigations, engineering, or construction, such funds as may be necessary to conduct all or part of the investigations required to carry out the purposes of this section.

Transfer
of funds.

“(f) In addition to other requirements, there shall be included in any report submitted to Congress supporting a recommendation for authorization of any new project for the control or use of water as described herein (including any new division of such project or new supplemental works on such project) an estimation of the wildlife benefits or losses to be derived therefrom including benefits to be derived from measures recommended specifically for the development and improvement of wildlife resources, the cost of providing wildlife benefits (including the cost of additional facilities to be installed or lands to be acquired specifically for that particular phase of wildlife conservation relating to the development and improvement of wildlife), the part of the cost of joint-use facilities allocated to wildlife, and the part of such costs, if any, to be reimbursed by non-Federal interests.

Estimation
of benefits.

“(g) The provisions of this section shall be applicable with respect to any project for the control or use of water as prescribed herein, or any unit of such project authorized before or after the date of enactment of the Fish and Wildlife Coordination Act for planning or construction, but shall not be applicable to any project or unit thereof authorized before the date of enactment of the Fish and Wildlife Coordination Act if the construction of the particular project or unit thereof has been substantially completed. A project or unit thereof shall be considered to be substantially completed when sixty percent or more of the estimated construction cost has been obligated for expenditure.

Applicability.

72 Stat. 565.
72 Stat. 566.

“(h) The provisions of this Act shall not be applicable to those projects for the impoundment of water where the maximum surface area of such impoundments is less than ten acres, nor to activities for or in connection with programs primarily for land management and use carried out by Federal agencies with respect to Federal lands under their jurisdiction.

Exceptions.

“SEC. 3. (a) Subject to the exceptions prescribed in section 2 (h) of this Act, whenever the waters of any stream or other body of water are impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, adequate provision, consistent with the primary purposes of such impoundment, diversion, or other control, shall be made for the use thereof, together with any areas of land, water, or interests therein, acquired or administered by a Federal agency in connection therewith, for the conservation, maintenance, and management of wildlife resources thereof, and its habitat thereon, including the development and improvement of such wildlife resources pursuant to the provisions of section 2 of this Act.

Wildlife
resources.

“(b) The use of such waters, land, or interests therein for wildlife conservation purposes shall be in accordance with general plans approved jointly (1) by the head of the particular department or agency exercising primary administration in each instance, (2) by the Secre-

tary of the Interior, and (3) by the head of the agency exercising the administration of the wildlife resources of the particular State wherein the waters and areas lie. Such waters and other interests shall be made available, without cost for administration, by such State agency, if the management of the properties relate to the conservation of wildlife other than migratory birds, or by the Secretary of the Interior, for administration in such manner as he may deem advisable, where the particular properties have value in carrying out the national migratory bird management program: *Provided*, That nothing in this section shall be construed as affecting the authority of the Secretary of Agriculture to cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him.

“(c) When consistent with the purposes of this Act and the reports and findings of the Secretary of the Interior prepared in accordance with section 2, land, waters, and interests therein may be acquired by Federal construction agencies for the wildlife conservation and development purposes of this Act in connection with a project as reasonably needed to preserve and assure for the public benefit the wildlife potentials of the particular project area: *Provided*, That before properties are acquired for this purpose, the probable extent of such acquisition shall be set forth, along with other data necessary for project authorization, in a report submitted to the Congress, or in the case of a project previously authorized, no such properties shall be acquired unless specifically authorized by Congress, if specific authority for such acquisition is recommended by the construction agency.

Report to
Congress.

72 Stat. 566.
72 Stat. 567.

“(d) Properties acquired for the purposes of this section shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition.

“(e) Federal lands acquired or withdrawn for Federal water-resource purposes and made available to the States or to the Secretary of the Interior for wildlife management purposes, shall be made available for such purposes in accordance with this Act, notwithstanding other provisions of law.

National
forest lands.

16 USC 480-
563, passim.

Rules and
regulations.

“(f) Any lands acquired pursuant to this section by any Federal agency within the exterior boundaries of a national forest shall, upon acquisition, be added to and become national forest lands, and shall be administered as a part of the forest within which they are situated, subject to all laws applicable to lands acquired under the provisions of the Act of March 1, 1911 (36 Stat. 961), unless such lands are acquired to carry out the National Migratory Bird Management Program.

“SEC. 4. Such areas as are made available to the Secretary of the Interior for the purposes of this Act, pursuant to sections 1 and 3 or pursuant to any other authorization, shall be administered by him directly or in accordance with cooperative agreements entered into pursuant to the provisions of the first section of this Act and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as may be adopted by the Secretary in accordance with general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas: *Provided*, That such rules and regulations shall not be inconsistent with the laws for the protection of fish and game of the States in which such area is situated (16 U. S. C., sec. 664): *Provided further*, That lands having value to the National Migratory Bird Management Program may, pursuant to general plans, be made

60 Stat. 1080.

available without cost directly to the State agency having control over wildlife resources, if it is jointly determined by the Secretary of the Interior and such State agency that this would be in the public interest: *And provided further*, That the Secretary of the Interior shall have the right to assume the management and administration of such lands in behalf of the National Migratory Bird Management Program if the Secretary finds that the State agency has withdrawn from or otherwise relinquished such management and administration."

SEC. 3. The Watershed Protection and Flood Prevention Act, as amended (16 U. S. C., secs. 1001-1007, inclusive), is amended by adding at the end thereof the following new section:

Watershed protection and flood prevention.
68 Stat. 666.

"SEC. 12. When the Secretary approves the furnishing of assistance to a local organization in preparing a plan for works of improvement as provided for in section 3:

"(1) The Secretary shall so notify the Secretary of the Interior in order that the latter, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement that is acceptable to the local organization and the Secretary of Agriculture.

Report with recommendations.

"(2) Full consideration shall be given to the recommendations contained in any such report of the Secretary of the Interior as he may submit to the Secretary of Agriculture prior to the time the local organization and the Secretary of Agriculture have agreed on a plan for works of improvement. The plan shall include such of the technically and economically feasible works of improvement for wildlife purposes recommended in the report by the Secretary of the Interior as are acceptable to, and agreed to by, the local organization and the Secretary of Agriculture, and such report of the Secretary of the Interior shall, if requested by the Secretary of the Interior, accompany the plan for works of improvement when it is submitted to the Secretary of Agriculture for approval or transmitted to the Congress through the President.

Works of improvement.
72 Stat. 567.
72 Stat. 568.

"(3) The cost of making surveys and investigations and of preparing reports concerning the conservation and development of wildlife resources shall be borne by the Secretary of the Interior out of funds appropriated to his Department."

Cost.

SEC. 4. There is authorized to be appropriated and expended such funds as may be necessary to carry out the purposes of this Act.

Appropriation.

Approved August 12, 1958.

